VICTIMS OF CRIME

Victim Support Worker Handbook

VICTIM ASSISTANCE
PROGRAM

A joint program of the Ministry of Attorney General
and the Ministry of Solicitor General

Titles in this series will include:

- Wife Assault
- Child Sexual Abuse
- Sexual Assault
- Victims of Crime
- Volunteer Management

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Victim Support Worker Handbook

by
Paula Way Quong

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Introduction

Who is the handbook for?

This handbook has been developed as a reference tool for those who provide support and practical assistance to victims of crime as they proceed through the justice system.

It will be of particular assistance to victim support workers involved with the Victim Assistance Program of British Columbia in one of the following services:

Ministry of Solicitor General

- police-based service
- corrections-based service (reparations)

Ministry of Attorney General

- specialized community-based service
- Crown Counsel Victim/Witness Services
- Victim Information Line

The handbook will also provide a handy reference for people working in the following areas:

Health

- mental health agency
- public health agency
- hospital
- private therapy agency

Social Services

- native resource agency
- immigrant services
- employee assistance program
- crisis line/centre
- Ministry of Social Services and Housing (Emergency Services) emergency shelter facility

Education

- teaching profession
- student counselling services

Other Community Services

If you are in a position to provide support and practical assistance to victims of crime, this handbook is designed to help you begin to develop the knowledge and fundamental skills you need for your supportive role.

In this role, your aim is to provide the following service to victims and their families:

- *support* as they recover from the immediate consequences of the crime
- *assistance* by being an informed link to the justice system
- *information* and *clarification* about the status of their case and related justice proceedings
- *guidance* about and *referral* to community resources that may be of assistance to them

The police are usually contacted first and most frequently by crime victims. This handbook will therefore be of particular interest to victim service providers affiliated with a law enforcement agency. These victim support agencies will likely be the first level of intervention for the victim.

This handbook has been designed as a supplement to the Training Program for Victim Assistance Program Volunteers, a 60-hour scripted curriculum for use by program co-ordinators in planning and delivering training to volunteers. The curriculum provides basic information and defines and demonstrates specific skills necessary to the victim assistance volunteer's job. Modules cover the criminal justice system, court preparation, crisis intervention, counselling and communication skills, and many other topics with which volunteers need to become familiar. The training program was developed by the Justice Institute of B.C. in collaboration with the Victim Assistance Program, Ministry of Attorney General and Ministry of Solicitor General.

What is this handbook about?

The primary focus of the handbook is on assistance to victims of property and personal crimes. However, as victim support workers also offer support and assistance to family members affected by suicide and sudden death, information on these matters has also been included.

Victims of wife assault, sexual assault and child sexual abuse have been designated as specialized victim groups and have been addressed in separate handbooks. If you need information on these topics, copies of the handbooks are available at your program office or through the Justice Institute of B.C. See Appendix 5.

How is the handbook organized?

This handbook contains the following components:

- background information on victims of crime
- a description of the justice system as it affects crime victims
- a guide to dealing with aspects of the justice system that affect victims
- the nature and location of resources in your community

Use of Language

As the concerns of female and male victims are, for the most part, similar, this handbook sometimes refers to victims as male and sometimes as female. Whichever is used in a particular case, what is said about one sex applies to the other. In the rare instance where reference is made to something of special concern to one or the other sex, this has been stated.

Resource Materials

Material in this handbook has been adapted from many sources. References are indicated where appropriate. Sources are also cited in Appendix 1.

Part 1

The Victim in Perspective

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Part 1

The Victim in Perspective

1.1 Overview

The criminal justice system is a complex, interactive system that incorporates criminal law and the enforcement, judicial, and correctional processes. The system is part of a larger whole that includes health, education and social services. Private and voluntary agencies, as well as the general public, are affected by the policies and practices of the system.

Despite their diversity, the elements responsible for administering the criminal justice system share the following common objectives:

- to protect society (by reducing the level and effects of crime), and
- to sanction the offender.

The criminal justice system is both guided and constrained by the basic principle that advocates for fairness and justice throughout the system. It is this principle which has led to the provision of support services for victims of crime.

> *Justice is one of those words — like love or happiness — that's hard to define. But everyone knows what it means. Justice has to do with getting what one deserves. It has to do with the hope that in the long run good people will be rewarded and bad people will be punished.*
>
> (Bard and Sangrey, 1979, p. 103)

1.2 The Victim: A Definition

In this handbook, victims are defined as follows:

1. *Persons against whom a crime has been committed.* A crime is an act defined by legislation and punishable by law. For example, breaking and entering and sexual assault are both *Criminal Code* offences which, if reported by the victim or another party, require the intervention of the police and may result in sanctions against the offender through the justice system; and

2. The *Criminal Code* also uses an extended definition of 'victim' for the purpose of victim impact statements. Section 735 (1.4) of the *Code* states that a victim also includes a spouse or relative of the person injured in certain circumstances.

3. *Persons who may be physically, emotionally or psychologically injured as a result of a tragic event.* The event is not defined as a contravention of any legislation and therefore is not punishable by law. For example, attempted suicide and sudden death are both matters which, if reported, require police involvement but no further justice system response.

This broad definition is used in order to include the range of clients who may be served initially by a Victim Assistance Program and ultimately by other agencies.

1.3 The Victim Then and Now: A Renewed Concern

Historically, victims were responsible for seeking redress from their offender. Redress was often in the form of monetary compensation or a fine. In an effort to minimize private retribution, the state increased its responsibility for bringing offenders to justice, and the role of victims was reduced. According to some observers, the ongoing development of the criminal justice system has

been virtually synonymous with the decline of the influence of victims.

By the late 1960s and 1970s, new social and criminal justice trends emerged in Canada that influenced a renewed and growing concern for victims' rights. The following is a listing of some of these important developments:

- Limited use of victim impact statements in presentence reports (1968)
- Use of restitution by the courts as a sentencing option (1971)
- Development of emergency shelters, legal and counselling services for abused women and their children (1972)
- Extended support services for female victims of sexual assault (1972)
- Implementation of legislation *(Child and Family Services Act)* to protect children from physical and sexual abuse (1973)
- The limited establishment of police-based programs for victims, mainly in the area of domestic violence (1974)
- Development of victim/offender reconciliation programs (1974)
- Establishment of compensation programs for victims of crime through federal/provincial cost-shared agreements (for example, the *Criminal Injury Compensation Act,* British Columbia).

The 1980s brought even greater change:

- The Federal/Provincial Task Force on Justice for Victims of Crime was established "to examine the needs of victims of crime, to enquire into their experience with the criminal justice system and to recommend action which could be taken to improve present methods of assistance to victims." (Task Force Report Highlights, p.1.) 1981
- Solicitor General Canada released developmental funds to a cross-section of police agencies within Canada to establish victim assistance programs. In British Columbia, programs in Vancouver and New Westminster were federally funded. 1984
- The United Nations General Assembly unanimously accepted a "declaration of basic principles of justice for victims of crime and abuse of power." 1985
- The Province of Manitoba became the first province to implement victims' legislation addressing many of the recommendations of the Federal/Provincial Task Force and the UN Declaration *(Justice for Victims of Crime Act).* 1986
- The Province of British Columbia announced the funding and implementation of the Victim Assistance Program. This program was developed to help make the justice system more responsive to the needs of victims of crime by creating a network of closely co-ordinated services throughout British Columbia. 1987

The purpose of these programs and services was to ensure that victims:

- are encouraged to report crime and appear as witnesses,
- receive the information, practical assistance and support they need to deal with the immediate impact of the crime and to participate fully in the justice process, and
- are assisted to use other resources they might need (i.e., non-justice system) to help them deal with the effects of their victimization.

1.4 Victims' 'Rights' and Developments in the Law

There has been an ongoing dynamic between victims' rights and victim legislation. In their 1984 report, *Victims and Witnesses of Crime in Canada,* Weiler and Desgagne identified the following victims' rights:

- the right to protection
- the right to compensation for injury, loss, trauma, suffering and other consequences
- the right to regain the state of physical, psychological, social and financial well-being present before the crime
- the right to be fully informed
- the right to have the victim's family protected by the criminal justice system in resolving conflicts arising from a criminal action, and
- the right to a social system with less injustice and conflict

Compensation for victims of certain crimes is provided for in current legislation such as B.C.'s *Criminal Injury Compensation Act.* More recent legislation serves to create, restore and

recognize the rights of those victimized by a criminal offence (for example, federal amendments to the *Criminal Code* through Bill C-89 *(An Act to Amend the Criminal Code: Victims of Crime* - not completely proclaimed) and provincial legislation through Bill C-31 *(Victims Rights and Services Act* - not proclaimed and therefore not yet the law in British Columbia)).

Criminal Injury Compensation Act

The B.C. *Criminal Injury Compensation Act* gives the Criminal Injury Compensation Board exclusive jurisdiction to determine whether a victim of a crime is entitled to compensation from the state and, if so, the form and amount of the award. Compensation is paid from provincial consolidated revenue through the Ministry of Solicitor General; however, the program is administered by the Workers' Compensation Board. Part of the cost of compensation is recovered by the province from the federal government.

The Board can provide compensation for victims of crime for personal injury or death, or where persons are injured or killed while trying to prevent an offence, make an arrest, or assist a police officer in making an arrest.

As a victim support worker, you will want to acquaint yourself with the options available in this area for a victim. The following are some important points to remember:

- The provincial compensation scheme was established to provide compensation and rehabilitation for victims of violent crime who have suffered personal injury. Most victims of straight property crime are excluded from eligibility for this type of compensation.
- Surviving dependents of violent crime victims and persons responsible for the maintenance of the victim may be eligible to apply for compensation.
- The crime must be reported to the police; however, a charge does not have to be laid or a conviction registered for the granting of an award. In a large number of cases, an offender will not be identified or may be acquitted.
- Any application for compensation must be directed to the province or territory where the offence occurred (see Appendix 3).

Victims who wish to pursue a civil action against an offender should consult a lawyer. The Lawyer Referral Service can provide information.

Criminal Code of Canada

The basic source of criminal law in Canada is the *Criminal Code,* enacted by the Parliament of Canada in 1892. The *Code* has been continually revised since that time. The *Canada Evidence Act* and the *Young Offenders Act* are also federal legislation. In B.C., offences under the *Criminal Code* and the *Young Offenders Act* are investigated by either the RCMP or municipal police forces, and are prosecuted by Crown counsel. Offences under the *Narcotic Control Act* and other federal legislation are usually prosecuted by federal Crown counsel.

In 1983, amendments to the *Criminal Code* brought greater protection for victims of sexual assault and wife assault (see the *Sexual Assault* and *Wife Assault* victim support worker handbooks).

In 1988, Bill C-89 *(An Act to Amend the Criminal Code: Victims of Crime)* came partially into effect. Some of the features are as follows:

- The *Code* now makes provision for the provinces to establish a victim impact statement program. (B.C.'s victim impact statement initiative preceded this provision.)
- Effective July 31, 1989, provisions for a fine surcharge were proclaimed, with regulations prescribing the maximum amount of the surcharge for non-fine sentences. Revenue raised from the surcharge is to remain in the province or territory where the surcharge is imposed and the Lieutenant Governor may direct that the proceeds will be applied to initiatives relating to the provision of service to victims.
- An important section, not yet proclaimed, involves imposing restitution. This section would require judges of the criminal court to consider imposing, in addition to any other sentence, an order to make restitution to a victim of crime who may have suffered loss or destruction of property, or bodily harm.

Victims Rights and Services Act

This new British Columbia act has not yet been proclaimed and is therefore not in effect. It contains provisions respecting the rights of victims of criminal offences, provides for victim assistance services, and imposes a fine surcharge on certain offenders.

1.5 Patterns of Crime

In 1982, the federal Ministry of the Solicitor General and Statistics Canada co-ordinated a victimization study in which 61,000 Canadians in seven large urban centres were surveyed regarding reported and unreported crime.

A preliminary analysis of the survey (Himelfarb, 1984, pp. 36-50) revealed the following:

- In 1981, there were more than 700,000 personal victimizations against individuals over the age of 16, and almost 900,000 household victimizations.
- Household theft was the most common of the property offences, followed by breaking and entering and vandalism.
- Assault was the most common of the violent crimes.
- Fifty-eight percent of the incidents were not reported.
- A common reason for not reporting was that the incident was too minor.
- Another common reason was the opinion of the victim that, even if reported, the police could do nothing about the incident.
- Elderly people were victimized less often than young people, yet the financial impact of their victimization was greater.
- In general, victims had a positive attitude about the police, except in incidents of sexual assault.

Property Crimes

Historically, property crimes in Canada have accounted for approximately two-thirds of *Criminal Code* offences. Of the property crimes reported to police during 1988, 64.9% were comprised of thefts over/under $1,000 and motor vehicles. As indicated below in Figure 1, this pattern has remained constant over the period 1979-1988.

Figure 1

Property Crime Offences by Major Category, Canada, 1979-1988 (Statistics Canada, 1988)

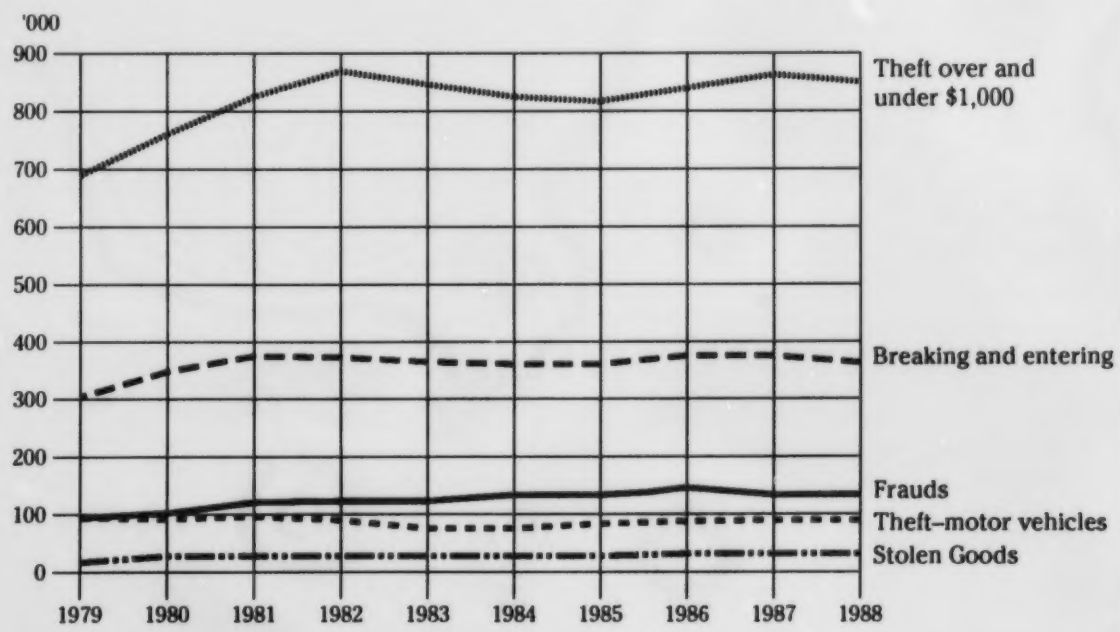
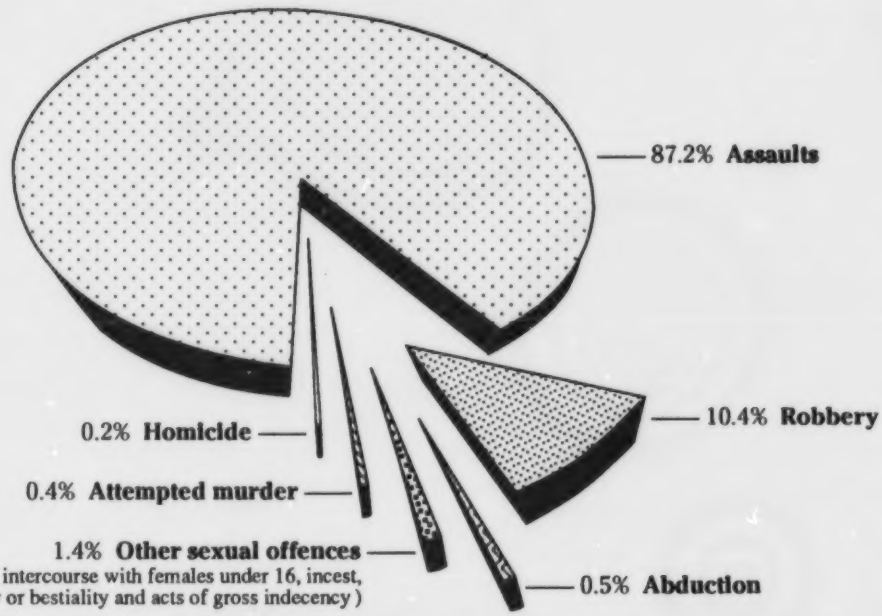


Figure 2

Violent Crime Offences by Sub-Category, Canada, 1988 (Statistics Canada, 1988)


87.2% Assaults
10.4% Robbery
0.2% Homicide
0.4% Attempted murder
1.4% Other sexual offences
(includes sexual intercourse with females under 16, incest, seduction, buggery or bestiality and acts of gross indecency)
0.5% Abduction

Crimes of Violence

Crimes of violence have traditionally accounted for 8.0% of all *Criminal Code* offences. In 1988, however, this percentage rose to 9.7%. Figure 2, above, shows that within the category of violent crimes reported to the police, assaults (including sexual assaults) ranked first in frequency (87 out of every 100 occurrences), while robbery was the second most frequent (10 out of every 100 occurrences). Homicides accounted for only 0.2% of total violent crimes in 1988.

More Facts About Crime*

- Clearance rates** for violent crimes are higher than those for property crimes. Victims of violent crime are more often able, through personal confrontation, to identify the perpetrator. Victims of property crime usually do not meet the perpetrator face-to-face.
- In 1988, 77.2% of homicides and 79.9% of attempted murders reported to the police were cleared by charge. In comparison, 49.0% of assaults and only 30.2% of robberies were cleared by charge.
- In 1988, 24,249 robbery offences were reported to the police. This number was the highest recorded since 1983.
- The 1988 property crime rate of 5,632 offences per 100,000 population was 12.7% higher than the rate in 1979 of 4,997.
- Theft offences (theft of motor vehicle; theft over and under $1,000) and break and enter have low clearance rates. At least 76.6% of these offences are unsolved.

1.6 Areas of Victimization

Victim support workers may work with victims in one or more of the following areas, depending on their program affiliation (police, community, Crown, corrections):

* Statistics Canada, 1988

** Clearance rates refer to the number of files created when action is taken to resolve the case. This could include a determination that the case is unfounded.

Areas of Victimization

Property Related Crimes

Breaking and entering

Theft under/over $1,000

Mischief (property damage under/over $1,000)

False pretences

Fraud

Crimes of Violence

Homicide
- first degree murder
- second degree murder
- manslaughter

Attempted murder

Assault: levels I, II, III

Sexual assault: levels I, II, III

Robbery

Extortion

Kidnapping

Arson

Impaired driving

Tragic Events

Sudden death: death by natural causes

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Part 2

The Impact of Victimization

2.1 Overview

Many people have misconceptions about the impact of a criminal offence on a victim. They assume that when a crime occurs, individuals will experience initial distress in coping with the event but will 'get themselves back together' rather quickly. They are often unaware of the unpredictable and long lasting effects of the crime on the person who has been traumatized.

To be an effective victim support worker, you must be aware of the impact of the victimization on the individual and sensitive to that person's specific and legitimate concerns.

2.2 How does crime affect its victims?

A synopsis of a victimization study co-ordinated in 1982 by the federal Ministry of the Solicitor General and Statistics Canada describes four ways in which crime affects its victims:

1. Financial impact
2. Physical impact
3. Emotional/psychological impact
4. Impact of secondary victimization

Financial Impact

The financial cost of crime to both the victim and society is tremendous.

- Gross financial costs for the single year, 1981, were estimated at $211.5 million in unrecovered property.
- Approximately $200 million was issued through insurance settlements.
- Estimated property damage totalled $41.9 million.
- Approximately $7 million was spent in associated medical expenses and lost wages.

The severity of the financial losses and the resulting impact varies according to the group of people involved and their socio-economic status. For example, the impact is often the greatest for the elderly and the young. These groups generally have lower incomes and are not as likely to have insurance coverage for their property.

Physical Impact

Over 350,000 incidents (of 1.6 million) involved some degree of personal contact with the perpetrator.

- Victims of personal crimes spent 50,500 nights in hospital and lost 405,700 days of work because of their incapacitation.
- Approximately 34,000 victims (8% of the violent crimes surveyed) sought some form of medical/dental attention, although many more were injured.
- The injury rate for younger people was higher than for people 65 years of age and over. People 65 and over were, however, more likely to require medical treatment.

Emotional/Psychological Impact

Emotional and psychological costs to victims can be insidious and disabling.

- The majority of victims and their families reported varying degrees of personal suffering and trauma directly related to the victimization incident.
- Personal violent crimes such as sexual assault, child abuse, wife assault and homicide

generated a deeper degree of emotional/psychological impact than did property crimes.

- Victims of property crimes also reported emotional and psychological reactions. Although the crimes do not involve any bodily harm, people's belongings are an extension of themselves and the resulting loss, coupled with feelings of vulnerability and invasion of privacy, can cause significant stress.
- One quarter of the surveyed victims of personal and property crimes felt that counselling should be available to them.

Impact of Secondary Victimization

Secondary victimization, often called the 'second injury,' relates to events that follow the initial crime or tragedy. Inadequate responses to the victimization and the needs of the victim often add to the distress victims and their families are suffering. This secondary victimization is rarely intentional. Instead, it stems from a criminal justice system which has focused its priority on the offender rather than the victim, and from a society which has either been unaware of, or has misunderstood, the needs of victims.

Over the past decade, society and the criminal justice system have made significant efforts to raise the priority of the victim. As a victim support worker, you have an important role to play in enhancing this effort to minimize the burden faced by innocent individuals who become part of a justice system they may know little or nothing about.

2.3 Coping with the Aftermath of a Crime: Victim Trauma Response

A crime or unexpected tragedy can have a number of unique characteristics:

1. It is usually sudden, arbitrary and unpredictable. A victim rarely has the opportunity to establish psychological buffers, such as those which may be employed when one is aware of a long term illness.
2. It causes people to lose control of their lives for varying lengths of time.
3. It attacks an individual's sense of self. A victim's home is an extension of him- or herself. By breaking into the home, a burglar invades the person. A physical or sexual assault is the ultimate violation as both the physical being and the sense of self are attacked.
4. Crime is usually committed intentionally, but it is not necessarily directed personally against the victim. The victim may have difficulty accepting an intentional crime as a random event while trying to understand why he or she was chosen for the attack.

The Three "I's" of Secondary Victimization

Injustice

- Fear of reprisal
- Lack of information
- Perceived lack of interest by the police, courts and correctional system
- Delays in the court process
- Lack of contact and response from appropriate 'players' in the system
- Loss of income or job

Indignity

- Inability to pay funeral expenses
- Sexual assault examination
- Police investigation and questioning
- Inferences of blame on the victim by uninformed persons

Isolation

- Exclusion by family, friends and others who may blame the victim for the incident
- Exclusion by others as a result of their own fears, suspicions, insecurities or feelings of vulnerability
- Discomfort of others in talking about the incident with the victim
- Exclusion by projecting the attitude that the incident has made the person or family 'different' in some way

Before you can assist the victim, it is important that you have an understanding of the 'emotional tailspin' many victims of crime and other tragedies experience.

Most people rely upon everyday coping mechanisms which allow them to feel secure and in control of their lives. Stress is created when the equilibrium in an individual's life is disturbed. This would occur, for example, when an individual becomes the victim of a crime or tragedy.

> *Being the victim of a personal crime is extremely stressful, well beyond the tolerance level for most, if not all people ... (it) sends the victim into an emotional tailspin. It takes time and energy and support for victims to regain their balance.*
> (Bard and Sangrey, 1979, p. 16)

During the attempt to regain their balance, victims may find their normal coping methods are inadequate because the event is so shocking and disturbing. As a result of being unable to control their environment and deal with the stress, they enter into a state of crisis.

Factors that Affect How a Victim Deals with a Crisis

Three significant factors affect how a victim deals with crisis:

1. *The nature of the violation and its meaning to the victim.* The victim of a breaking and entering may react strongly because of the significance of irreplaceable sentimental value of an object rather than the monetary value.

The sexual assault victim will have a more extreme reaction. In a sexual assault, the victim experiences a violation of her sense of self as well as an injurious physical attack.

2. *The force of the event.* This can depend on an individual's previous experiences as well as other circumstances in the victim's life at that time. Elderly victims who lose a spouse in a sudden, unexpected death may cope more easily because of their experience with other personal losses.

The victim of an assault who is experiencing serious marital and financial difficulties may already be overloaded with stress and unable to cope with another stressor.

3. *The kind of help the victim receives subsequent to the crime or tragedy.* The victim of a sexual assault can be placed in further distress if there are innuendos of blame and criticism of her reactions by loved ones, or hospital or police personnel.

The family of a murder victim may advance through the crisis stage if positive support, information and referrals are provided at an appropriate time.

The Trauma Response

Information in this section has been adapted from the *Traumatic and Post-Traumatic Stress Reactions Curriculum* (unpublished), produced by the Justice Institute of B.C. with funding from the Ministry of Advanced Education.

Definitions

These definitions may assist you in the following discussion of the trauma response:

Stress – the physiological and psychological response of an individual to events that impinge on him or her.

Trauma – an experience so severe or unusual that the mind cannot assimilate or master it in the usual way.

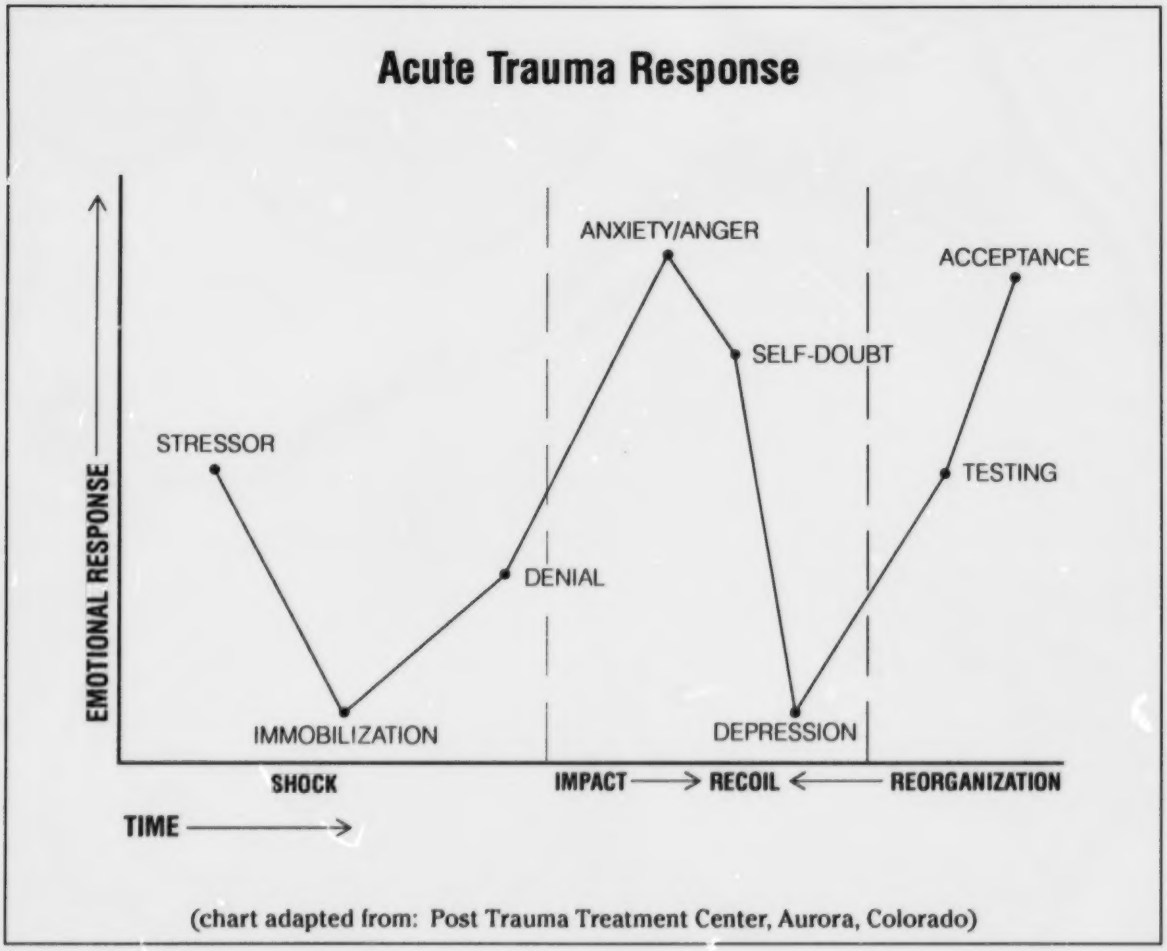
Victim Trauma Response – the immediate response to a traumatizing and victimizing experience and the feelings that come quickly after the event.

Traumatic Stress Reactions – the set of conscious and unconscious actions and emotions associated with dealing with the memories of the catastrophic incident and the period immediately afterwards.

Post Traumatic Stress Disorder – a psychiatric diagnostic category of severe and disturbed trauma reactions.

Critical Incident – any situation faced by individuals which causes them to experience unusually strong reactions and which has the potential to interfere with their ability to function, either at the scene or later.

Critical Incident Stress Syndrome – the emotional, physical and cognitive reactions to a critical incident — it can lead to reduced performance, emotional or physical problems, marriage breakdowns, resignations, attempted suicides and suicides.



(chart adapted from: Post Trauma Treatment Center, Aurora, Colorado)

Stages of Trauma Response

Crisis is a subjective state in which an individual is unable to cope with stress. Bard and Sangrey (1979) describe the victim trauma response (crisis reaction) in three stages:

1. Impact
2. Recoil
3. Reorganization

Typically, these stages do not have set boundaries — the victim may shift back and forth and suffer relapses until the effects diminish significantly or altogether. These stages relate to the recovery process for the victim, and each victim will proceed through them in unique ways as she or he attempts to regain a sense of equilibrium. There are no parameters of appropriate times to start and finish the process. The trauma experienced by the victim may be resolved quickly or could remain for a long time, thereby inhibiting personal relationships, everyday lifestyle and the ability to maintain employment. This process is particularly significant for victims of violent offences such as sexual assault.

Each stage has specific characteristics, which are described below. Suggestions for appropriate victim support worker responses are outlined in section 4.4.

1. Impact Phase

In this phase, the victim experiences a combination of reactions immediately following the shock. The state of equilibrium has been damaged and the victim is reeling in the wake of the event. Other external demands compound the emotional turmoil: the victim must respond to the police investigation, identify the suspect, seek medical

care, contact insurance companies, cancel credit cards, clean up the crime scene, and deal with the reactions of family and friends. The victim can feel overwhelmed and unable to make even the simplest of decisions. The feelings and reactions of the victim may be expressed moments after the event or days later.

During this phase the person may have *feelings* of:

- shock
- numbness
- vulnerability
- fear
- anger
- confusion
- helplessness
- guilt
- hysteria
- loss of control
- loneliness
- violation

Common *reactions* to the victimization during the impact phase include:

Physiological

- eating disturbances (nausea, vomiting, no appetite, stomach pains)
- sleep disturbances (insomnia, nightmares)
- body disturbances (soreness, headaches, fatigue, crying spells)

Emotional

- shock (disbelief, mood swings, no concentration)
- anger (rage, revenge, irritability)
- fear (of recurrence or offender's return)
- guilt (humiliation, anxiety, illness, self blame)

Behavioural

- work (missing work, quitting job)
- social (withdrawal from family and friends)
- sexual disruption (loss of interest)

Victims express the different aspects of the impact stage through a wide range of emotions. A woman may recall that she was attacked, but may temporarily forget that she was sexually assaulted (blocking out all or parts of a terrifying situation). A bank teller who is confronted with a weapon and verbal threats may be convinced that the perpetrator will find her to eliminate her as a witness (fear of reprisal). A man who is abducted may recall extreme fear but forget that violence took place and may refuse to leave his home for a period of time (denial and withdrawal).

This stage reflects the emergency needs of a victim immediately after the crisis. The emotional needs of the individual are just as important as the need for emergency shelter or medical treatment. It is a particularly important stage for you to be aware of if you are involved as a worker in a program that has a crisis response component.

2. Recoil Phase

During this phase, victims continue to experience a combination of reactions. Bard and Sangrey (1979, p. 40) state that during this stage, "The victims begin to struggle to adapt to the violation and to reintegrate their fragmented selves." This is often thought of as a *false recovery phase,* during which individuals tell themselves that the stress is over and it is time to get back to a normal life.

Many victims pretend the event never occurred. Their range of feelings is sometimes contradictory and can be intense and painful. Again, reactions will vary depending on the nature of the event and the resilience of the individual. The reactions may continue for many months and there may be relapses in a person's progress. The recoil phase is the beginning of the recovery process.

During the recoil phase the person may have *feelings* of:

- fear
- sadness
- self-pity
- anger
- guilt
- depression

Common *reactions* to the victimization during this phase include:

- defensive manoeuvres described as a 'waxing and waning of tensions'
- acceptance of the situation for a period and denial of the situation for other periods
- expressed desire for revenge
- blaming self or others for the violation
- extreme mood swings
- loss of appetite
- sleeping difficulties
- lifestyle changes (altering daily routine)

In the normal course of a crisis reaction, the recoil phase will eventually give way to the final phase of reorganization.

3. Reorganization Phase

During this phase, reorganization takes place as victims assimilate the painful experience and "... gradually ... put their experience into perspective and commit their energies to other things." (Bard and Sangrey, 1979, p. 46)

During the reorganization phase the person may have *feelings* of:

- anger
- relief
- confidence
- rage and fear
- reassurance

The victim's anxiety will lessen during this stage, as will his or her rage and fear.

Common *reactions* to the victimization during this phase include:

- the negative effects diminish or disappear
- the person's sense of autonomy is restored
- activities will be resumed

2.4 Impact of Victimization on the Family and Friends of the Victim

Few people exist in isolation of others and the crime experience will have an impact on the family and friends closest to the victim. Those who represent the informal and unofficial support system for the victim are often referred to as 'secondary victims.' These secondary victims often develop the same reactions the primary victims have felt — anger, shock, disbelief, guilt, fear, helplessness.

Survivors of victims of homicide or suicide are left to bear the consequences of the tragedy and are 'real' victims as well. As a victim support worker, you may find yourself having to deal with both primary and secondary victims.

It is important to recognize that secondary victims often have needs equal to those of primary victims. Apply the same supportive intervention skills for them as you would for primary victims. These skills are described in Parts 3 and 4.

Part 3

Victim Support Workers: Preparing for the Role

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Part 3

Victim Support Workers: Preparing for the Role

3.1 Overview - The Victim Assistance Program

The establishment of the Victim Assistance Program in 1987 by the government of British Columbia represented a major commitment to address the needs of victims of crime in the province.

Although a variety of community-based groups such as transition houses and sexual assault centres had been assisting victims in B.C. for more than 20 years, a consolidated network of assistance was needed to ensure that victims throughout the province had access to the information and support they needed to deal with the immediate and long-term effects of crime. The new Victim Assistance Program was established by creating new services and expanding some existing ones.

In 1991, approximately 95 programs and services operate through local police departments, Crown counsel offices and community agencies. Help is free of charge, and is offered by people trained to support victims as they deal with the justice system.

Crown Counsel Victim/Witness Services form part of the day-to-day operations of Crown counsel offices. Their focus is on assisting victims and family members whose cases involve major emotional and physical trauma or loss of life; however, Crown Counsel Victim/Witness Services are intended to enhance prosecution services and Crown counsel may request their involvement in relation to other files on an *ad hoc* basis. Crown Counsel Victim/Witness Services assists victims and family members with victim impact statements and criminal injury compensation claims, and provides court orientation and accompaniment, referrals to community agencies and professional services, information relating to the criminal justice system, case-specific information, and emotional support.

Police-Based Victim Assistance Programs are usually located in police departments or RCMP detachments. Program co-ordinators and trained volunteers provide information, referral, and practical and emotional support to victims of any crime. Typical services include information on the victim's case as it proceeds through the justice system, information about the justice system in general, and referral to other helping professionals or agencies, including specialized support services for victims of sexual assault, child sexual abuse and wife assault. In addition, police-based programs provide court familiarization and accompaniment, and assistance with filling out victim impact statements and criminal injury compensation applications. They also assist police with death and accident notifications and may offer home, and business security checks to victims of break and enter.

Specialized Support Services operate out of community agencies that receive funding to provide support and encouragement to victims of the particularly traumatic crimes of wife assault, sexual assault and child sexual abuse. Co-ordinators and volunteers offer the same kinds of information and practical and emotional support outlined above under police-based services. These specialized agencies also offer information about and

referral to social services, housing, health and other appropriate agencies.

Victim Reparation Programs give the offender an opportunity to compensate the victim for damages suffered as a result of the crime. The programs vary, but most typically include some form of mediation between the offender and the victim to reach agreement on an appropriate form of compensation. Compensation may be monetary or in the form of direct services to the victim or the general community. A victim's participation in a reparation program is voluntary.

The **Victim Information Line**, 1-800-VICTIMS, provides callers with information on the specific services of the justice system that are available in British Columbia to help victims of crime. Callers can receive information on criminal injury compensation, transition houses, local counselling services, sexual assault centres and other specific services. 1-800-VICTIMS is an information rather than a crisis line.

3.2 Preparing for the Role of Victim Support Worker

The victim support worker's primary role is to help make the justice system more responsive to the needs of victims by supporting them through the justice process. This chapter describes the victim support worker's role and provides guidelines for carrying out the work. Keep in mind, however, that this handbook and the other handbooks for victim support workers referred to in Appendix 5 are designed as supplements to the training victim support workers receive at their individual programs.

Characteristics and Basic Skills

Being victimized by a criminal act or tragic event can be extremely traumatic. As a victim support worker, your most important tasks are to ensure that neither primary nor secondary victims feel that they are going through the experience alone, and to provide the necessary support and assistance in a non-judgemental and respectful manner.

A successful victim support worker should be:

- able to communicate clearly
- self confident
- willing to accept responsibility
- flexible
- able to exhibit a positive attitude about life
- able to handle conflict
- non-judgemental
- trustworthy
- friendly and co-operative
- caring
- empathetic

To be a successful victim support worker, you must also be:

- knowledgeable about the dynamics of all types of victimization and their impact;
- sensitive to the needs of individuals;
- familiar with the workings of the criminal justice system, including the court process; and
- capable of providing assistance in an objective, informative and non-judgemental manner.

To be effective in your job it is important that you have specific training in the field of victim services and that you stay informed of key practices and procedures that will be of benefit to the people you support.

It is also essential that you adhere to the general principles of effective support and intervention for victims as outlined in this handbook, as well as specific approaches for working with victims of wife assault, sexual assault and child sexual abuse. Following the policies and procedures developed by each program will help ensure that every individual receives appropriate service.

Your ability to provide effective support to victims and those around them depends, in large part, on the relationships you establish in your community. To enhance your skill and knowledge, you must:

- be aware of the range of resources available in your community;
- establish relationships of trust and mutual respect with people working in justice, health and social systems, as well as in community service agencies and groups;
- learn as much as possible about the roles and responsibilities of this diverse group of profes-

sionals and make sure that they are familiar with yours. A victim support worker's ability to provide effective support to victims and those around them depends, in large part, on these relationships.

Whether you are working in a police-based program, a Crown-based service, a community agency, or a government department that provides support and assistance for victims, you may encounter personal attitudes and justice system responses that bother you. Despite this, you must remain supportive, objective and non-judgemental in your contact with the victim in order to ensure that the appropriate resources and referrals are available to everyone involved.

Support and Communication Skills

Victim support workers must have the ability to listen and convey information to, understand and comfort another person. More specifically, they must be able to:

- listen effectively,
- create a relationship of trust and respect,
- maintain a working knowledge of the criminal justice system,
- allow victims to assume responsibility for themselves by making their own decisions, and
- practice basic assertiveness skills in their contact with people.

Listening, reflecting and empathetic responding are fundamental to providing support and establishing an atmosphere in which victims can be encouraged to explore their feelings and concerns. The following paragraphs contain a brief description of basic support skills for victim support workers. This information has been adapted from *Sexual Assault: Victim Support Worker Handbook*.

Attending Skills

The skill of attending is the ability to pay attention, focus and concentrate on what the victim is saying, experiencing and feeling. Attending to the victim demonstrates respect, regard, interest, involvement, caring and commitment. It also establishes a firm base for a continued relationship of support.

Attending is both a psychological and a physical approach. Psychologically attending means that you are aware of blocks to communication and how to avoid them.

Attending includes maintaining good eye contact, paying attention to body posture and positioning, and knowing how to use your body and face to convey to the victim that you are listening.

Active Listening and Empathy

Active listening means listening to cues that indicate the victim's feelings (voice tone, choice of words, sighs), acknowledging the feelings you hear, and checking what you think you understand (your perceptions). Try to understand the victim's ideals, values and feelings through listening, and then demonstrate your understanding to the victim by responding in a way that conveys your understanding. Active listening also helps you to keep focused on the victim's concerns and feelings rather than your own.

Permission Giving

This is the skill of 'allowing' the victim to express emotions freely. Many adults will suppress feelings they see as 'negative' because of their conditioning. As children they may have been punished, shamed or humiliated for crying, showing fear or expressing anger. It is important that you acknowledge and validate the victim's difficulty in allowing these feelings to emerge, and at the same time give information about the importance of expressing the pain. Let the victim know that it is all right to cry and feel shame, grief or anger.

Empowering

This cluster of skills involves conveying respect, genuineness, commitment, warmth and acceptance. It is demonstrated more by your attitude than by any specific verbal response. Use of these skills will allow the victim to share feelings more freely and will foster the development of self-respect and personal empowerment.

Questioning

Questioning is a skill that enables you to help a victim explore emotions, needs and decisions. Open-ended questions which can be answered with more than a 'yes' or 'no' encourage a variety of responses. Closed questions restrict responses and often focus on your curiosity. While you

may need to ask a certain number of closed questions, especially during the initial crisis stage of contact, open-ended questions will be more useful during your ongoing relationship with the victim.

'How' and 'what' questions are usually open-ended and allow more complete responses ("How are you feeling now?" "What kinds of fears have you been having about going to court?"). 'Why' questions, such as "Why did you do that?" or "Why don't you want to lay charges?" should be avoided as they may convey curiosity or judgement. The word 'why' tends to imply wrongdoing, guilt or a mistake on the part of the victim.

Giving Information

You should give information to victims in as clear a manner as possible and in a way that maximizes the chance that it will be heard and understood. Give information that is relevant and in language that is appropriate for the victim's level of understanding.

Respect the victim's timing and pace. Do not necessarily give all the information at one time. It is difficult to absorb new information when under emotional stress. Allow victims to say how they feel about the information. You may find that you have to explain something several times. Be patient. Ask the victim to paraphrase what you have said. This assures you that the information you have given has been understood.

Being Concrete and Clear

With this skill you can help the victim focus on important feelings and identify issues in as concrete a manner as possible. You might do this by asking for clarification ("Can you tell me more specifically what you mean by...?") or by reflecting as accurately as possible what you hear the victim say and asking for confirmation of your understanding of what is being said. This encourages the victim to focus on feelings in a more specific manner.

Summarizing

Summarizing involves pulling together the information and the feelings the victim has conveyed to you. This allows you to make sure you have understood everything accurately and fully, and helps the victim focus on the important elements of the situation from his or her point of view. Summarizing also provides a way of moving from exploration of feelings to problem solving, and then to making required decisions.

3.3 Guidelines for Victim Support Workers

To carry out the important role of a victim support worker, you and your agency must establish guidelines in the following areas.

Safety

All responsible agencies providing support services to victims will place the safety and protection of their workers over the needs of a victim. Consult your own agency's policies and procedures on safety mechanisms.

If your program does not have safety guidelines in place, you must develop them. The following are some suggestions of things to include:

- If your agency provides on-the-scene response, always advise your office of the address and telephone number of your destination and your expected return time. If you work in a police-based agency, notify the radio room/dispatch of this information and also let them know of any change.
- Travel only in teams of two.
- Never attend a crime scene without the police.
- Never remain alone in an office setting with a client. Do not work alone at night.
- Always trust your first instincts — if something seems peculiar, leave immediately. Your personal safety is of first concern.

Setting Limits

You may be reluctant to set limits on services to victims. However, by setting personal boundaries you provide an example to victims of how to do the same in their own lives. Respect for the boundaries of the helper's role increases the victim's sense of autonomy and control. Remember, as a victim support worker your goal is to help your clients move from the role of victim to that

of survivor by enhancing their ability to help themselves.

To help you set limits, ask yourself the following questions:

- What work will you do? Familiarize yourself with the formal job description provided by your organization.
- Is there a time limit for sessions with victims? If so, what is it?
- Do you have a limit on the number of meetings you will have with a victim? If so, what is it?
- What types of victims will be referred to other services (suicidal, psychotic, drug or alcohol abusers)?
- Are there specialized victim support services (wife assault, adult sexual assault, child sexual abuse) in the local community where the victim should be referred?
- Do you have a policy about giving out home telephone numbers or accepting calls at your home?
- Do you attach any other conditions to your services to victims?

Keep in mind that, if victims make demands on you that are inappropriate for any reason, you can refuse to continue service in a way that lets them know that they must be willing to take more responsibility for themselves. If you handle such people in a firm but gentle manner, when they need help in other circumstances they may turn to you.

Support for Victim Support Workers

As a victim support worker, you will be dealing with crimes or tragedies which may be particularly violent and horrific. This is bound to provoke strong reactions on your part. You may find yourself experiencing rage, shock, anger, fear or a sense of powerlessness. Through all of this, you must not only be aware of your own needs, you must also clearly define your limits and boundaries.

It is not appropriate for you to deal with your feelings while with the victim. You must therefore develop and rely on a support system where you can express your own feelings in an atmosphere that does not violate the confidentiality between you and the victim.

A formal support system at your program can provide an important source of support or an outlet where you can discuss your feelings and reactions. Other staff should be available for this support. It is important that you deal with your own feelings before you leave the office at the end of the day.

You must also maintain a personal support system outside of the work environment and allow yourself time for the rest and recreation that is crucial to your well-being. If you meet your own needs, you will be better able to help others.

Confidentiality and Access to Files

The issue of confidentiality is extremely important. Policies on confidentiality and access to files will vary with individual programs and program types. You should become and remain familiar with your program's policies in these areas. You should also keep the following points in mind as you go about your job as a victim support worker:

- **Victims and victim support workers do not have the legal privilege of "confidential communication." It is important that you advise the victim of this.**
- **Victim support workers may be subpoenaed and may be required to bring their notes to court.**
- **In police-based programs, any information about the commission of a crime must be reported to the police, and in Crown-based services it should be reported first to Crown counsel.**
- **In all programs, workers have a legal responsibility *(Family and Child Services Act)* to report any suspicions of child abuse to the local office of the Ministry of Social Services and Housing. Prior to reporting, workers should consult with the police (police-based programs) or Crown counsel (Crown-based services).**

In general, the police and Crown are extremely cautious about what information they provide to outside sources. Police- and Crown-based victim assistance services are bound by the same policies of the larger organization. You

should inform victims of your agency's policy on releasing information to other agencies, the media, or other outside sources.

- Do not release any information to another agency (for example, when making a referral) unless you are **absolutely certain** you have the permission of the victim. Confirm the permission in writing (have the victim sign a release of information form) and document carefully. It is still best to have the victim give any facts directly to the agency requesting the information.
- RCMP-based programs and Crown Counsel Victim/Witness Services must document, in the victim's file, the victim's permission to pass on information to another agency. The information which may be disclosed **with the victim's permission**, includes: the victim's name, address and telephone number, together with a copy of the sworn information and other public documents (if appropriate).
- To ensure your credibility and trust with the victim, it is critical that you and other workers not discuss any case outside the work environment.
- It is not appropriate to have a friend with you either in the victim services office or while on a case in the community.
- Your organization should have written guidelines for confidentiality both within and outside the office and you should adhere to these at all times.

Following strict rules of confidentiality will protect the victim and reduce the possibilities of liability or jeopardizing the prosecution of the accused. **Err on the side of discretion**. Consult with police or Crown counsel if anyone asks for information on the suspect or the accused and check your agency's guidelines.

Information Which You Can Give to a Victim or Others

If it does not relate to a young offender, you may release the following information:

- Police file number/court file number
- Information concerning the status of the case:
  - whether the case is still under investigation
  - whether the case is concluded and the disposition (If no charge is laid and the victim

Guidelines for Confidentiality

In the Office

- Keep all files locked.
- Do not allow client files out of the victim service office.
- Do not leave client files on your desk (except those of the clients you are dealing with).
- Ensure clients' privacy while they are in your office.

Outside the Office

- Do not wear your identification badge in public.
- If your program vehicle is marked, do not park it in the victim's driveway (or, for police-based programs, remove the magnetic shield).

When Telephoning a Victim

- Do not identify yourself to anyone other than the victim.
- Ask for the victim by full name to avoid confusion with another family member.
- If the client is a minor (under 18 years of age), ask to speak to the legal guardian (non-offender). Whenever possible, request permission to work with the minor (see section 4.6).
- Once you are speaking with the victim, clearly identify yourself and your affiliation. Ask if it is convenient to talk and, if not, check for the appropriate time to return the call. Clarify your role.
- **Be particularly cautious** if you are contacting a victim of a wife assault.
- If you can avoid it, do not contact a victim at work unless you have the victim's permission.
- Do not leave a message on an answering machine unless the victim has given permission.

wants to know why, refer the victim to the investigating officer or Crown counsel or, under the officer's or Crown counsel's direction, advise the victim of the reason.)
- court dates

You may also give advice on how to claim property that has been recovered.

Generally speaking, persons other than victims or witnesses should be referred to the court registry for information regarding the status of cases once charges have been laid.

Information Which You Cannot Give to a Victim or Others

- The name of suspect(s) unless a charge has been laid against that person (this information then becomes public record).
- The name or any information whatsoever that might identify a young person (age 12-17) whether that person has been charged or not. You can, however, explain that the *Young Offenders Act* restricts the release of this information, and you can advise that a young person has been charged. Consult Crown counsel if further information is required.
- A case file or any part of a case file. The Criminal Injury Compensation Board, insurance companies and civil lawyers can contact the police department or Crown counsel office directly for any information they require.
- Information as to the criminal background, or absence thereof, of any suspect or charged persons.
- Information on any case other than the case in which the victim was the victim/witness.

If you are uncertain about what information is confidential, always check first with the co-ordinator or manager of your program or the police or Crown counsel, depending on your affiliation.

3.4 Victim Support Worker Responsibilities

Just as you must have a clear idea of what your job entails, so must you also have a good understanding of the responsibilities that come with your role. Those responsibilities are outlined in the following chart.

Victim Support Worker Responsibilities

Every victim support worker should strive to do the following:

Provide assistance to the victim without discrimination

Offer and deliver service without discriminating against any person or group on the basis of race, colour, sex, age, religion, national origin, marital status, political belief, mental or physical handicap, or any other preference or personal characteristic, condition or status.

Provide the best possible service to the victim

Make sure that each and every victim gains access to any available services and resources that he or she requires.

Promote the welfare and respect of the victim

Ensure that the welfare of and respect for the integrity of the victim are maintained throughout the victim's contact with the justice system.

Be aware of his or her own limitations

Be conscious of your strengths and limitations before you make the initial contact. If you become aware that you are unable to assist a victim, terminate your relationship and make an appropriate referral.

Avoid any conflict of interest

Be aware of any situation that may conflict with the best interests of the victim and transfer the file to another worker.

Avoid expressing personal opinions

Avoid criticizing or making personal statements about decisions related to the case or the organization you work for. Do not express personal comments about people you are helping.

Request assistance or advice when necessary

If you are uncertain of the best action to take on behalf of a victim consult other colleagues, your co-ordinator or the police or Crown counsel, depending on the issue.

Part 4

Victim Support Workers: Assisting the Victim

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Part 4

Victim Support Workers: Assisting the Victim

4.1 Service Needs of Victims

Under normal circumstances, most people find it difficult to assert themselves with authority figures and institutional systems with which they are unfamiliar. These difficulties can be compounded when a person is experiencing the recent aftermath of victimization and, at the same time, is attempting to cope with unfamiliar medical and criminal justice systems.

Victims may be tearful, hysterical, angry, depressed or fearful, or may repress stressful feelings and appear to be calm. Victims may also believe they were wholly or partly at fault for what happened and therefore feel guilt or shame. These emotions are not characteristic of all victims, but most victims react in one or more of these ways, particularly in the period immediately following the occurrence. The feelings and reactions victims most often experience at various stages following the traumatic event are outlined in section 2.3.

In most instances, victims have no experience or model to guide them in responding to their trauma. They may doubt the validity or the acceptability of their emotions. Self-doubt will add to the anxiety and undermine their self-esteem.

As a victim support worker, you may find yourself involved with a wide range of victim types. Although there are a number of common denominators to the reactions of victims, the severity of the incident will largely determine the degree of the impact on the person and the type of assistance you provide. Your intervention with a victim of a breaking and entering will, for example, obviously be different than your intervention with a victim of a sexual assault or kidnapping.

You may be called on to provide a variety of assistance. See the chart on page 30 for a list of some of the services victim support workers may be called on to provide.

Where specialized services are available, support workers in police-based programs and Crown Counsel Victim/Witness Services should refer victims of wife assault, adult sexual assault, and child sexual abuse to those agencies. Local referral procedures exist in many communities. In some cases, police-based programs will retain a liaison function with the police after the victim has been referred to a specialized service.

For detailed information on dealing with victims of wife assault, sexual assault and child sexual abuse, refer to the handbooks on those topics (see Appendix 5). Information on assisting victims of other crimes is detailed in this chapter and the ones that follow.

4.2 Referrals to Other Agencies

Making effective referrals is an important aspect of the victim support worker's role. There may be victims you are unable to work with or who have special needs which you can't meet. Being familiar with the resources in your community will allow you to make appropriate referrals. Remember that victim service organizations may vary in their procedures for making or receiving a referral. Check your program's policy and procedures in this area. (Material in this section has been adapted from *Sexual Assault: Victim Support Worker Handbook*.)

Service Needs of Victims

As a victim support worker, you may be called upon to provide the following services. Keep in mind that this is a suggested list only; it is by no means restrictive. Your response will depend largely on the needs of the individual you are assisting and the type of victimization.

Emotional First Aid

- Crisis intervention
- Ongoing support and follow-up

Information and Practical Assistance

Victim Information Line

- Contact 1-800-VICTIMS for information on agencies throughout British Columbia which could be of assistance to your client

Police

- Discuss police procedures
- Liaise with the investigator
- Provide case status information
- Assist with the return of the victim's personal effects and/or property
- Discuss and/or assist with crime prevention in the area of personal and property security

Medical

- Discuss hospital procedures (in the case of sexual assault, explain the use of the Sexual Assault Evidence Kit for collecting forensic evidence)
- In the event of a death, and where applicable, discuss the role of the Coroner's Office
- Liaise with the Coroner's Office

Court

- Discuss court procedures where a charge has been laid
- Discuss the role of, and possible referral to, Crown Counsel Victim/Witness Services
- Maintain a liaison role with Crown Counsel Victim/Witness Services
- Advise of the status of the accused (i.e., custody status, court dates, conditions of recognizance)
- Support the victim through the trial process and thereafter
- Where applicable, discuss victim impact statements and assist with completion of a statement
- Discuss No Contact Order/Peace Bond

Compensation

- Discuss criminal injury compensation and eligibility for application; assist with completion of an application where necessary
- Discuss the role of the Insurance Corporation of British Columbia where applicable (e.g., victims of impaired driving)
- If the crime is property related, remind the victim to initiate insurance claims

Funeral Arrangements

- Discuss the role of the Coroner's Office where applicable (e.g., autopsy conducted)
- Liaise with the Coroner's Office regarding release of the deceased
- Where the deceased was a recipient of income assistance, discuss possible financial assistance from the Ministry of Social Services and Housing for burial expenses
- If the victim died destitute, discuss the role of the Deputy Official Administrator

Estate Matters

- Discuss the role of the Office of the Public Trustee where no other person has come forth to administer the estate or probate the will

Shelter

- Advise of emergency shelter facilities (e.g., victims of wife assault)
- Assist in arranging transport to a shelter facility

Financial Assistance

- Advise of emergency financial aid available through the Ministry of Social Services and Housing

Document Recovery

- Assist with the replacement of stolen personal identification (e.g., purse snatching victim)

Referrals

- Professional counselling
- Self-help support group
- Family Court Counsellor
- Deputy Official Administrator
- Office of the Public Trustee
- Office of the Chief Coroner
- Criminal Injury Compensation Board
- Multi-cultural agency
- Native Friendship Centre
- Other victim assistance programs or services – for example, specialized victim support services (wife assault, sexual assault, child sexual abuse) or Crown Counsel Victim/Witness Services

Next of Kin: Death Notification

- Refer to section 4.7

When to Make a Referral

You should make a referral whenever someone else could be of more help. You will likely make a referral in the following circumstances:

- The victim requires expert professional help (lawyer, psychologist, social worker, marriage counsellor).
- You lack the necessary skills to deal with that 'type' of victim. You might find the victim too shy, too hostile, too different from you, or you may be unable to work with the victim for some other reason.
- The victim has needs beyond your limits, training or mandate.

How to Make a Referral

If you are sure the victim will accept a direct referral, give the victim the name of the agency or individual to whom you are referring. Tell the victim how to make contact and what to expect (e.g., cost, individual or group service, waiting lists for service).

If the victim seems slightly hesitant, either explore the hesitancy and help find a way to cope with it, or suggest that you arrange the contact and have the victim follow up.

If the victim is very hesitant, suggest that you will make the appointment and go with the victim. Check this procedure first with the person to whom you are referring the victim.

If the victim refuses to be referred to another agency or program, you can explain your limitations and see if the victim still wants to work with you. If necessary, you can strictly comply with your agency's mandate and withdraw future service. This happens very seldom.

See the chart on page 32 for guidelines to follow when making a referral.

4.3 Crisis Intervention Skills

Responding to the Crisis

As a victim support worker, you may be required to provide an immediate response to a victim (e.g., at the scene of the crime). In addition to the guidelines in section 4.4 for dealing with the initial impact stage of trauma, you should be aware of the following points when responding in a crisis situation. (This information is adapted from NOVA, 1983.)

1. *Maintain your own physical safety.* Your safety is of primary importance. It overrides any response you may be asked to provide to a victim. Remember that human behaviour is unpredictable even under normal circumstances, and it is even more unpredictable when a person is feeling out of control after a traumatic event. Keep in mind that police officers rarely attend family altercations or wife assault calls alone because of their volatile nature. In most cases, you do not have the advantage of knowing anything about the person you are assisting before you meet. You will not be criticized for acting responsibly and following, to the letter, the principles of safety established by your program and those suggested in section 3.3 of this handbook.
2. *Life, death and injury.* When you arrive on the scene, make sure that any emergency medical needs have been met.
3. *Assure the victim's safety.* Make the victim feel safe by allowing a choice of places to go to talk. Offer reassurance that protection is nearby.
4. *Remain calm and provide comfort.* Ask how the victim is feeling. This is important for several reasons. First, it is possible that the victim may have sustained injuries which are not visible to you and of which even the victim may not be aware. Second, the victim needs to know that someone cares. Third, your question gives the victim a chance to think for a moment about his or her feelings and reactions, and that alone can have a calming effect.
5. *Give back control.* In talking to victims, find ways to let them take control. Ask how they would like to be addressed. Let them decide where they want to sit. Ask if they would like a drink of water. Questions of this type will allow the victim a choice in the process and a chance to regain the sense of autonomy that the offender took away.
6. *Allow for ventilation and validation.* Let victims tell their story and reassure them that whatever they are feeling is normal and natural.

Guidelines for Referrals

There are several steps to follow in making a referral.

1. Determine the Victim's Needs

To do this, you must ask the following questions:

- ☐ What is the problem and what type of service is needed?
- ☐ Where is the referral service (agency) located? Is this convenient to the victim's residence or workplace?
- ☐ Does the victim have convenient transportation?
- ☐ How old is the victim? Is the service appropriate for all age groups?
- ☐ Does the victim have a particular religious affiliation?
- ☐ Can the victim afford to pay a fee? If so, how much?
- ☐ What is the victim's current or past involvement with other agencies? Enquire about this to avoid duplication of services.
- ☐ What informal support systems (family, friends, church) are available for the victim?
- ☐ How urgently are services required?
- ☐ Is the service/agency able to respond to special needs?

Remember not to make any guarantees or raise unrealistic expectations about the referral. Referrals should always be based on the client's stated needs and not what you feel is needed.

Promise to get back to the victim as soon as possible or set a reasonable time frame for follow-up. Always follow through on your promise to re-contact even if you do not have the required information at the designated time.

2. Gather Information About the Referral Agency

You will need to do the following:

- ☐ Find out whether victim is eligible for services with the agency contacted. Does the problem fit within the agency's mandate?
- ☐ Confirm procedures such as who contacts whom. Follow your program's policies and procedures regarding the referral process. If you have any doubts about what to do, check with your program co-ordinator.
- ☐ Find out when the agency will be able to set up an appointment and inform the agency that you will be following up with the victim.
- ☐ If the referral is to a private therapist, enquire, or encourage the victim to enquire, about professional credentials and affiliation with professional bodies.

3. Make the Referral

Once you have located an appropriate referral agency or service, provide the victim with the following information regarding the referral:

- ☐ The services the victim can expect, and when.
- ☐ An outline of the responsibilities of the victim, the referral agency, and the victim service program.
- ☐ The name of the contact person at the agency, if possible.
- ☐ Information concerning follow-up. Obtain the agreement of the victim for follow-up and give an approximate time for the next contact (generally one to two weeks).

4. Follow-up with Victim and/or Agency

You need to know if the service has actually been provided or is no longer needed or desired. Check with victim first. Avoid referring clients to agencies that are full or those that will not accept them. Always get the victim's permission for follow-up, and document this permission.

This applies even if a police officer has already taken a report and the victim has told the story before.

7. *Provide reassurance and response.* Tell victims that you think the crime was bad and that you are deeply concerned about them. They need to know that their feelings are okay and that you understand what they are saying.

8. *Deal with the insurmountable problem.* Find out the most overwhelming problem facing the victim as a result of the crime. Victims often feel as if the world has fallen apart and that they are besieged by countless problems that they cannot deal with. Encourage victims to try to focus on the most important, immediate problems (shelter, health, family, etc.). Suggest that they list the top three problems in order of importance. Tell them that, together, you will look at the first problem immediately.

9. *Look for a solution.* If the victim doesn't know how to deal with the problem, help explore possible solutions. Some workers use the technique of asking victims how they would advise a friend or family member in the same situation. Others list several possibilities and ask the victim to add to them or to choose the most appropriate one.

   If victims can't deal with the first problem because of emotional or physical issues, offer specific help with the problem, and then tackle the second most difficult one. For instance, victims of a breaking and entering may not be able to face picking up the pieces of a broken item which they loved dearly; they may find the sight of it the most horrible problem they face. Clean up the pieces and move on to the next problem.

   In most cases, after the first 'insurmountable' problem is conquered, victims will feel relieved enough to begin working with you on the next solution. Find at least one problem that victims can tackle on their own as a positive step toward resolution. This will help them realize that they still have some control over their life.

10. *Predict and prepare.* After victims have had a chance to focus on some of their immediate problems, tell them what they can expect in the future. If there will be a police investigation, let them know whether they will be involved and when they might expect to hear the results. Help them to plan activities for the next few days so that they can deal effectively with some of the remaining problems.

    Provide some immediate referrals if this seems necessary. Write names and telephone numbers where they will be easily retrievable.

    Also review the kinds of emotions victims often feel and explain the possible physical reactions to stress. It is important to offer a clear description of common emotional blueprints in crisis so that victims will understand if they are depressed or can't concentrate on daily work.

11. *Prepare to leave.* Make sure the victim is relatively calm and thinking clearly before you leave. In serious cases of crisis, do not leave victims alone unless they absolutely insist.

    Arrange for a friend, a neighbour, a family member, or someone else to stay with the victim, preferably overnight, after you leave. Tell the victim when you will be back in touch, or if someone else will be doing a follow-up contact.

    Give the victim the name of the follow-up person and when to expect a visit. Leave your office number so that the victim can call you if further help is needed. Also leave any written material you think will be useful. For example, if the person is dealing with the sudden death of someone close to them, leave a copy of the Victim Assistance Program pamphlet, *Dealing with Sudden Death.* It describes the feelings and experiences people confronted with the sudden death of a person close to them may have and offers suggestions for dealing with the loss. See Appendix 5 for a listing of Victim Assistance Program publications.

Dealing with the Victim's Response

The following description of victim behaviour can be used as a guide to what is occurring for the victim and to the appropriate response.

Victim's Behaviour/Helper's Response

- **Indicator** Victims sometimes seem calm and competent when in fact they are very upset. We grow up learning we should 'take care of ourselves.'

- *Response* Do not assume that external calm means the victim is not upset. He or she may be in shock. Use your time with the victim to try to assess the real emotional impact. Say, "Most people who have been through what you've been through have a hard time," or something similar, to signal that you will be available when the victim needs you.

- **Indicator** Victims may be very upset and need soothing. Hysteria and tears are common to all types of victims.
- *Response* Be patient and allow the physical reactions to diminish. When possible, give direct verbal responses which will help the victim regain control.

- **Indicator** Victims are often afraid even after help has arrived. A common and not unreasonable reaction is to expect the offender to come back. This is always a concern to victims of wife assault.
- *Response* Reassure victims of their immediate safety. Plan for continued protection if fears are not overcome at the end of your session or if there is real danger (as may be the case with wife assault).

- **Indicator** Victims tend to blame themselves and expect you to blame them too. "Wasn't your door locked?" is a common reaction from a friend.
- *Response* Place the blame on the criminal. Do not suggest that the victim is to blame and do not ask questions which suggest such blame.

- **Indicator** Victims often expect helpers (whether police or crisis workers) to be in a hurry.
- *Response* Communicate patience and a willingness to spend whatever time is necessary to help.

- **Indicator** Victims feel the incident was extremely important but may worry about bothering you. The chief reason for not reporting a crime is fear of 'bothering' the police.
- *Response* Tell the victim that you understand the importance of the crime and let him or her know that you care about the case.

- **Indicator** Victims may feel humiliated. The 'I am stupid' reaction is associated with the loss of control. There is a fear that "I could have done better in reacting to the criminal but I didn't."
- *Response* Help restore dignity through courtesy and respect. Reassure victims that whatever they did was right.

4.4 Response to the Victim's Trauma

As a victim support worker, your **goal is to help the victim deal with the immediate trauma, and subsequently with the realities, of the medical, police and judicial systems**. You can do this by providing victims with the support and information they need to overcome feelings of fear and powerlessness. Your main job is to lend support and to help victims express their own needs and wishes.

Impact Phase

In the hours and days immediately following the event, while the victim is in the *impact phase* of trauma response, you can help by doing the following:

- Initiate a supportive and helping relationship with non-judgemental understanding.
- Express your concern. Ask: "Are you all right?" You may be the first one who has asked this important question.
- Focus on the victim and listen carefully to any expression of needs. Respond to that expression without imposing your own perceptions.
- Reduce anxiety about the unknown. Clarify information about the police investigation, medical care and possible court procedures. Keep the information simple, to the point, and in the context of the concern at the moment. Be aware that you may have to review and expand on any information at a later date. This can be a confusing time and the ability to absorb details is limited. Give the victim any available pamphlets to look at when she or he is more composed.
- Reassure victims at this stage (and throughout the process) that their reactions are common under the circumstances. Victims often feel

additional anxiety over their behaviour. Be aware that others (family, friends) may inadvertently provoke this anxiety by commenting on the victim's 'strange behaviour.'

- Assist the victim in using available support systems. You might offer to meet with the victim's family or friends to explain how they can best respond in a supportive manner.

Recoil Phase

At the *recoil phase*, victim support workers should respond as follows:

- Be particularly supportive and pay close attention to the victim's expressions of needs.
- Encourage family and friends to be especially nurturing during this time.
- Be reassuring.
- Understand that the person may divert anger onto those who are trying to help. Do not respond with anger.
- Acknowledge the feeling: "I hear you. You are really angry."
- Continue to normalize and validate the recovery process for the victim. Acknowledge the ups and downs and encourage the resumption of the resolution process when the victim feels ready. Accept victims wherever they are in the process.
- Assist victims to identify their own strengths, weaknesses, and coping mechanisms. Advise how these strengths can be applied to a resolution of the current crisis. Suggest specific tasks which may help victims regain control over their lives. This may be the time to suggest that they complete the application form for criminal injury compensation or contact their insurance company. Weigh carefully the tasks you do. You must encourage victims to maintain control over their lives and not allow a dependency on you to develop.
- If a victim chooses to terminate contact with you, set the tone for future contact. You may also wish to ask permission to make a follow-up call within a reasonable time (perhaps a month).
- A victim may ask: "When will I start feeling better?" Reassure the victim that there is no specific time frame for recovery; it varies according to each individual. The more serious the violation, the longer the recovery period.
- A victim may ask: "When will I get over this?" Reassure victims that suffering will lessen over time, but it is not likely that they will ever totally forget the traumatic event.

Reorganization Phase

When the victim has recovered to the reorganization phase, your helping relationship will be coming to a natural conclusion. Your role now will be to do the following:

- Be aware of the difficulties that some victims and some victim support workers may have in 'letting go.'
- Emphasize the victim's accomplishments and do not delay the ending of the relationship.
- You need not cease contact altogether, and you can reassure the victim that you can be contacted should the need arise. Again, you may wish to seek permission from the victim for periodic follow-up.

> *"The Victim Support Worker should support victims while they get to their feet, hold on while they regain their balance and let go so that the victim can walk unaided."*
>
> (Bard and Sangrey, 1979, p. 141)

Pitfalls to Avoid

- Avoid being moralistic and judgemental. Do not make critical comments: "It's hard to believe you do not remember what the burglar looked like!" The victim will likely perceive this as an insult. It denies the victim's request for help.
- Avoid being intrusive. Imposing what you think the person wants or needs can add to the sense of violation and interruption of autonomy caused by the traumatic event.
- Avoid being a 'rescuer.' This is a common error. By insisting that the victim do what you think best, you are removing control from the victim. This also creates a climate where the victim becomes dependent and you become the fixer.
- Avoid discussing evidence or testimony.

- Avoid initiating discussions of, or elaborating on, facts concerning the court case.
- Avoid becoming angry or impatient if the victim does not seem able to express clear and coherent thoughts. This will only make the situation worse for the victim and the lack of clarity is probably only a temporary state.
- Avoid blame-laden statements: "Why on earth didn't you lock your car door? No wonder your tape deck was stolen!" Such words only serve to provoke further feelings of helplessness and will destroy any trust the victim may have in you.

4.5 Dealing with Difficult Clients

In your role as a victim support worker you may have to deal with difficult clients. Your agency should provide training to help you deal with such clients. They include:

- *Drug/alcohol abuser.* It is not useful to provide emotional support to someone who is intoxicated; the victim should address the drug and/or alcohol abuse problem prior to receiving support.
- *Excessive talker.* Often, this kind of person is avoiding taking responsibility for his or her actions or decisions, or fears coping with intense emotions.
- *Over-demander.* Someone who constantly phones, drops by your office, and otherwise takes up more than his or her share of your time.
- *Inappropriate client.* Someone who has difficulties that are beyond the capacity of the service you provide or outside the mandate of your agency. (For example, a mentally ill person, a potential suicide or, if your agency deals only with adults, a victim of child abuse.)
- *Client with a past criminal record.* Someone who is a victim in one circumstance but has an extensive criminal record or is known to be involved in illegal activities.
- *Violent client.* Someone who is known to be violent.
- *Client with questionable status.* Someone who claims to be a victim of a crime but there is no evidence that the crime actually occurred.

4.6 Supporting Special Victim Populations

People of all ages and backgrounds may be victims of crime. Special groups considered in this section include cultural minority, elderly, disabled, child and adolescent victims. The material in this section has been adapted from the *Child Sexual Abuse* and *Sexual Assault* victim support worker handbooks.

Cultural Minority Victims

When providing support for victims who are members of racial or cultural minorities, it is important to be sensitive to the additional stresses that they may be experiencing. Language barriers and cultural differences, a lack of understanding of the Canadian legal system and its responses, fear of causing embarrassment to their community, and isolation from peer or family support, may affect their ability to handle the victimization. While specialized needs will differ with each individual, the following general guidelines apply:

- Be aware of the multicultural and immigrant serving agencies and organizations in your community. The front of your local telephone directory will list some available services and groups. Also check for local churches, temples and mosques. Many of these have their own support and interpreter services that can be made available to the victim, if agreeable. These organizations usually have a bank of volunteer interpreters who are available 24 hours a day to assist members of their community.
- Be aware that even if victims speak English or French they may be unfamiliar with or fearful of Canadian social and legal institutions. It is important to explain the procedures involved and ensure that victims understand that they have a choice in many decisions that are made. Also, explain those situations where the victim does not have a choice (for example, when subpoenaed to court).
- Be aware that in some cultures illiteracy is widespread, particularly among women. They may speak or understand a language but will be unable to complete forms or sign documents.

Offer to assist them, or if an interpreter is needed, suggest that the interpreter assist.

- Encourage victims to talk about their extended family and support system and assist in determining if the family will be supportive in the recovery process.
- Understand that many victims will resist or have negative feelings about reporting an incident because of a personal or community history of police oppression in their country of origin.
- Be aware that victims may fear that their own community will hear about what happened. This will often affect a victim's willingness to talk openly. In cases where the alleged offender is known to the victim, or is a member of the victim's community of origin, the victim will be even more reluctant to provide details of the incident.

You can assure victims that you will be as discrete as possible with information they share with you. However, you must also make them aware that there are limits to the confidentiality. For example, you should advise that you have a legal responsibility under the *Family and Child Services Act* to report any suspicion of child abuse to the local office of the Ministry of Social Services and Housing. The issue of confidentiality is discussed more fully in section 3.3.

- Recognize your own limitations in assisting the client. Be prepared to consult with or refer to specialized agencies in the community that serve minority groups.

Keep information on hand that is published in other languages. Women Against Violence Against Women (WAVAW) in Vancouver has developed a series of pamphlets on sexual assault, wife assault and child sexual abuse in Mandarin, Punjabi, Hindi and Spanish. The pamphlets are available from: Legal Services Society of B.C., 300 - 1140 West Pender Street, Vancouver, B.C., V6E 4G1, or telephone WAVAW at 875-1328. The Victim Information Line 1-800-VICTIMS pamphlet is also available in several languages. Although the line does not have multilingual services, victims may have a friend or relative call on their behalf (see Appendix 5).

- Be aware of your own beliefs and biases related to people from other cultures. If you sense that these feelings might interfere with your ability to provide support, refer the victim to another support worker.
- Be aware that many crimes are not reported by the victim. A family member or neighbour may have made the report and the victim may be upset that the police have responded.

Elderly Victims

Some elderly victims are more vulnerable and less resilient to certain occurrences because of decreased physical, emotional and mental well-being. They may suffer from confusion, memory loss, emotional dependency or dementia. However, when responding to an elderly victim you should not assume that these factors apply.

Even if elderly victims suffer from some impairment, this does not mean that they will be less competent or less capable of going through the process than a younger victim. Some elderly victims show amazing resilience, probably because of their considerable life experience with other traumatic events.

While the principles for supporting younger victims also apply to the elderly victim, the following additional considerations may help you provide more effective support:

- Be aware that an elderly person may be more traumatized by the experience than a younger person. The risk of physical injury and compilications is greater, the time involved in physical recovery is longer, and the chances of recovery from the emotional trauma and the perceived loss of social status are significantly reduced. Victims with limited income will also feel the financial loss more acutely.
- Be sensitive to the fact that the event may be an affirmation of the victim's fear of crime, physical vulnerability and loss of control. The elderly victim's sense of isolation and dependency is usually increased by the event.
- Be aware that you will have to be especially sensitive in establishing rapport. Simply to have authority and knowledge is not enough. Elderly people are often unfamiliar with new services and resources and may resist something with which they have no experience. Respect their history and experience and begin your relationship from their world, not yours.

- Be patient with elderly victims who identify you with their son or daughter and do not treat you as a 'professional.' Take the time to establish your credibility.
- Be diplomatic in how you check for physical limitations and impairments. Pay attention to verbal cues and body language. If the person turns one ear towards you, an appropriate response might be, "I tend to speak softly. Let me know when you want me to speak up." If the person is having difficulty walking, offer your arm rather than grasping the victim's. Allow the victim choice and control over the situation.
- Be respectful of older people's value systems. Allow elderly victims to set their own pace and limits.
- Be aware that for many elderly people there is no support system. Their children may not be around or interested, and they may have few friends with whom they can talk.
- Be aware that victimization can result in a range of traumatic emotions, disorientation, anxiety and confusion. Pay attention to what the victim is experiencing and do not label or judge these reactions as senility.
- Be clear about the choices and control victims have over their own lives and be honest and supportive about where they have no choice (for example, when subpoenaed to court). Avoid assuming that they need to be taken care of or are acting in a child-like fashion. Recovery will be based on personal strength, and a sense of self-worth and dignity. You can reinforce these concepts, but you can't take them over.
- Be prepared to make referrals, where necessary. Many communities have established seniors' bureaus and counselling services for the variety of needs an elderly victim may have. Contact the Victim Information Line (1-800-VICTIMS) or your local community directory for such services.

Victims with Physical and Mental Disabilities

People with physical and mental disabilities are particularly vulnerable to victimization. Physically disabled individuals frequently are unable to protect themselves, yet because of their physical limitations they are dependent upon others for care and assistance.

The physically disabled often lack access to resources because they require ramps, hearing devices or braille documents. It is important that victim service agencies make links with organizations that advocate on behalf of, or provide service to, people with disabilities so that referrals can be made. Agencies that serve disabled people can also suggest modifications that will enhance your services for these victims.

Victimization of mentally disabled people is a special problem because of their lack of cognitive skills and dependency on others. Communication limitations and lack of knowledge concerning where and how to report help to explain why very few cases are reported.

People with both mental and physical disabilities are particularly vulnerable to victimization by their caregivers or attendants.

Specific needs will differ with each disability and individual; however, the general guidelines of support apply. The following guidelines may also be helpful:

- Be aware of special organizations in your community that can provide help for victims with mental or physical disabilities, or can assist you in responding appropriately. Telephone directories usually list these agencies. In addition, almost every community has an association for the mentally disabled that will provide resources and assistance to clients in need.
- Be sensitive to the fact that many victims will not have the knowledge or the vocabulary to describe what happened. Be prepared for child-like descriptions or incomplete concepts.
- Focus on the physical and cognitive strengths of each individual. For example, people with cerebral p sy frequently have significant speech difficulties and muscle spasms, and are often labelled mentally disabled. You should not assume that, just because the victim is unable to speak, she or he is unable to understand.
- With mentally disabled people, speak simply and clearly and try to anticipate any questions they may have. Do not try to explain the complexities of the legal system or the medical examination.
- Be diplomatic in your questions concerning physical or mental disabilities. Avoid words such as 'crippled' or 'retarded.' Concentrate on

what victims might need rather than what they lack. For example, ask what kind of transportation victims require rather than how they are going to get to the hospital.

- Be sensitive to disabled victims' increased level of fear. Not only will many not understand what is going on, they may also fear reprisals or rejection from family members, group home staff or caregivers.
- Be aware that many adults with physical and mental disabilities are still treated as children by family members. Emphasize victims' rights to make decisions concerning the ongoing progress of their case.
- Be prepared to consult with and refer to specialized agencies in your community. Collaborate wherever possible in assisting the client through the process, and establish ongoing links with appropriate organizations.

Child Victims

Many children who have been victimized have been subjected to physical or sexual abuse. As a victim support worker, you must be aware of the limits to your own skills in this area. Once a case is reported, the appropriate mandated agency will be involved (Ministry of Social Services and Housing) and other community-based specialized services will be contacted. The role of victim support workers may be to:

- make efforts to assure that the appropriate resources are in place,
- act as a liaison between any workers involved and the victim's parents or guardians (assuming they are not the offenders), and
- serve as a link with the police officer or Crown counsel.

In the role of liaison with the police or Crown counsel, the victim support worker may provide information about the progress of the case to the victim and the victim's family. The worker may also need to provide resources to family members (non-offenders) who will require ongoing support. The *Child Sexual Abuse: Victim Support Worker Handbook* (see Appendix 5) is one useful resource. Contact the Victim Information Line (1-800-VICTIMS) for local community resources.

When working with child victims of incidents other than abuse, or child abuse victims for whom other support services are not available, use the following guidelines, after first obtaining permission from the non-offending parent or guardian.

- Remember to keep your language as simple as possible. Avoid technical jargon that a child may not understand.
- Clarify all information with the parent(s) and be sure that the information you give is consistent.
- Remember that the parent(s) are responsible for the child. Do not assume their role.
- Ensure that the meeting environment is non-threatening. If you work in a police-based program, try to identify a neutral location where the child can feel safe and comfortable. Some children may be intimidated by being in a police department.
- Allow children to express themselves in their own way and at their own pace.
- Listen carefully to any underlying feelings. Be sensitive to verbal cues such as the tone of voice, choice of words, sighs or tremors, and respond to these behaviours as expressions of feelings.
- Use other resources familiar to the child. The child's teacher or school counsellor may be a good resource.
- Do not present yourself as 'a person in authority' to the child; this can be very intimidating.
- Explain complicated processes (e.g., criminal injury compensation) to the child's parent(s). The parents have established a level of communication with their child and may know best when and how to convey the information.

Adolescent Victims

The following guidelines were established by the B.C. Association of Police Affiliated Victim/Witness Services after consultation with legal advisors.

- Whenever possible, obtain permission from the minor's parent or legal guardian before you provide services to minors. (Generally, a minor is anyone under the age of 18 years.)
- Where the minor requests that you not contact the guardian, or where it is impossible to reach the guardian, you must take several factors into consideration:

- **Nature of the victimization.** If there is likely to be serious emotional trauma where ongoing support will be necessary (e.g., crimes against the person), you *must* obtain parental consent. This would not, of course, apply if the victim is a teenager who has been abused by his or her parents, or in cases where all parental contact has been severed.
- **Nature of the service requested.** If you are providing only short-term services such as a referral and do not anticipate further contact, your liability is reduced; however, you should still attempt to obtain consent. Where you engage in a 'relationship' with the client (ongoing support) parental consent must be obtained except in the cases previously mentioned.
- **Urgency of the need for service.** If you are asked to provide a service immediately (e.g., court accompaniment) and cannot obtain parental consent, take steps as soon as possible afterward to inform the parents or guardian and to document the services provided.

In all cases where a minor requests that you not contact the guardian, the following steps should be taken and **documented**:

- Encourage the minor to inform his or her parents.
- Encourage the minor to talk to another trusted adult (e.g., school counsellor, social worker, pastor, etc.).
- Inform the Ministry of Social Services and Housing of your involvement.

CAUTION

Victim service workers who provide ongoing support services to a minor without parental consent are assuming a parental role and can be considered the legal guardian of that minor with all associated responsibilities and liabilities. **Make every effort to obtain the consent of the guardian. Where this is not possible, proceed with *extreme caution* and document all efforts to obtain consent and all contact with the minor.** Victim service workers in all community-, Crown-, or corrections-based programs should consult specific program policy in this area.

4.7 Death Notification

If you are a victim support worker in a police-based program, your agency may have a mandate for you to accompany a police officer making a death notification. Victim support workers who provide this service should be aware of their own limitations and should receive training in crisis intervention and dealing with a death.

A death notification is an extremely agonizing event, both for the survivor and the messenger. The following guidelines may therefore be helpful. (Information in this section has been adapted from NOVA literature.)

- Always make the death notification in person.
- Try to be accompanied by someone whom the victim knows and trusts.
- Speak to the closest relative(s) of the deceased and never transmit the notification to a child alone.
- The police officer will take the lead and will usually ask to enter the home. Seat the survivors and yourself.
- Be direct. State the information simply and clearly and do not provoke anxiety by building up to the idea of death. Do not leave room for doubt or false hope.
- Be aware if the survivor has any particular medical condition which could provoke a severe physical reaction (e.g., hypertension, heart condition). Be on the alert for serious physical reactions and know what to do under the circumstances (i.e., call for ambulance).
- Be tactful but direct in answering any questions.
- Focus on the immediate needs of the survivors.
- The survivor will want to contact friends and other relatives. Ask if you can help in this regard and do not make assumptions about who the survivor would like called or who she or he wants to be with.
- A survivor should never be left alone after a notification, unless the person insists.
- Do not judge immediate reactions. All requests should be honoured if possible. Many survivors will immediately want to see the victim.
- Respond with care and concern. Be empathetic, but do not be intrusive.

- Survivors of an unexpected death will need ongoing support. Some will have a strong support system of loved ones. Others may not. Repercussions are usually long-lasting. Explore with the survivor, both immediately and over the next few days, the areas where you can assist — for example, making funeral arrangements, assisting with insurance claims, or obtaining information from the Coroner.
- Let the survivor know that you will be available to provide follow-up assistance.

The Victim Assistance Program pamphlet, *Dealing with Sudden Death*, describes the feelings and experiences people confronted with the sudden death of a person close to them may have and offers suggestions for dealing with the loss (see Appendix 5).

The following are several additional resources that may be of assistance to secondary victims (survivors) where a death has occurred.

Office of the Chief Coroner

The B.C. Coroners Service investigates facts relating to sudden, unexpected deaths of individuals in the province and makes recommendations with a view to preventing future loss of life in similar circumstances. Regional offices are located throughout the province. Contact the Office of the Chief Coroner for the office closest to your community.

Office of the Public Trustee

The Public Trustee is authorized to protect the assets and legal claims of persons who cannot protect themselves. The Public Trustee can intervene on behalf of a deceased person where no other person has come forward to administer the deceased's estate or probate the will.

Office of the Deputy Official Administrator

The Deputy Official Administrator may assume responsibility for the affairs of a deceased person if the deceased:

- has no known next-of-kin;
- has next-of-kin who will inherit but whose whereabouts are unknown;
- died testate (i.e., left a valid will) but neither the executor nor the beneficiary will or can act;
- died intestate (left no will) and no one entitled to a share of the estate can or will act; and
- in some cases, if the deceased's executor and/or beneficiary resides outside the province.

These resources are listed in Appendix 4.

Part 5

The Criminal Justice System: Police Procedures

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Part 5

The Criminal Justice System: Police Procedures

5.1 Overview

Since it is a process they have likely encountered in their everyday lives, most people have a good grasp of how the health care system works. But most people do not understand how the criminal justice system works. They are puzzled by its terminology and procedures. When they become victims of a crime, people most often request information that will help them better understand the criminal justice system. They want to know:

- Do I have to report to the police?
- Why was no one arrested?
- Why was the accused not kept in custody?
- Why do I have to make a statement?
- Will I have to go to court?
- What do I need to do next?

The information in the paragraphs that follow will help you, as a victim support worker, answer these and other important questions.

5.2 Reporting an Incident

What options does a victim have for reporting an incident?

A victim has two options concerning a report to the police:

1. **Not to report.** The victim chooses not to let the police know about the occurrence. There is no legal requirement to do so.
2. **To report.** The victim chooses to report the incident. In this event, the victim should know that she or he will likely have to be a witness if the case is prosecuted. It is advisable to report to the police as soon as possible; early reporting increases the chances of finding and preserving fresh evidence and apprehending a suspect.

What happens when the victim reports the incident?

The police agency will likely be the first source of contact for victims, and the quality of this first formal response will have a bearing on the victim's ability to deal with the aftermath of the event and the prosecution of the case.

The police are responsible for apprehension of suspects and for the prevention, detection, investigation and reporting of a crime. One major concern of the police is the collection of evidence needed to:

- determine that an offence did indeed occur,
- link the accused to the offence, and
- gather evidence so that the Crown can prosecute the accused.

Although police procedures may vary somewhat from case to case, the following is a general outline of procedures that will be followed when a case is reported.

Initial Contact by Police with the Victim

After the initial contact, the following will occur:

- Police officers will meet with the victim in order to investigate the complaint.
- The officers will take an initial report from the victim and any witnesses involved. This report records exactly what happened and helps ensure that all available evidence is preserved.
- At the site of the occurrence, the police will gather physical evidence for forensic examination.

- If there are physical injuries, the police will likely advise the victim to go to hospital or will take the victim there right away.

Following any medical examination, the police will ask the victim to come to the police station to make a statement (record of complaint). If the victim is not physically able to go to the police station, the police will make other arrangements.

The Victim's Statement (Record of Complaint)

The victim's statement to police will include everything the victim can remember about the incident. The police will need to know the following:

- what happened
- where
- when
- if the offender is known to the victim
- whether a weapon was used
- what the victim said and did
- what the offender said and did

They will also need a description of the offender (height; weight; skin, hair and eye colour; smell; accent; speech pattern; and any unusual features).

Some questions may be embarrassing for the victim. The police will need to know all the details of what happened. If the victim does not know the offender, seemingly unimportant details may help the police identify the person.

After hearing what happened, the police will either ask the victim to write out what she or he told them, or the police will write out the statement themselves. In either case, the victim will be asked to read through the written statement and sign it.

Before leaving the police station, the victim should ask for the names and telephone numbers of the officers who took the statement. The victim may contact the officers if she or he later remembers additional details of the incident or wants to ask any questions.

Police Investigation

After taking a statement, the police may want to go with the victim to the scene of the crime.

If the offender is not known to the victim, the police may ask the victim to:

- look at photos of people (referred to as mug shots),
- view a line-up of people whose features may be similar to those of the offender as described, or
- describe the offender's features to an artist who will make a drawing from the description (police artists usually work only in major cities).

The police may also want to take pictures of the victim's injuries right away. In that event, a police photographer will either come to the hospital, or the photographs will be taken at the police station. This process may further upset the victim. However, pictures are important because long after the injuries have healed the photographs will provide evidence.

If the investigation continues, the police will next:

- apprehend the suspect or obtain a warrant for the suspect's arrest,
- contact the victim again to determine if any pertinent information was overlooked and to review the initial report, and
- contact people who may have pertinent information or be able to provide further corroborative evidence.

The Charter of Rights and Freedoms

The Canadian *Charter of Rights and Freedoms,* included in the *Constitution Act,* 1982, states the various legal rights of a person in Canada. It applies equally to everyone. Although all of the legal rights in the Charter are important, the ones which follow have a direct impact on both the accused and the victim.

(1) **Section 9**
The right not to be arbitrarily detained or imprisoned.

(2) **Section 10**
The right on arrest or detention to be informed promptly of the reasons, to retain and instruct counsel without delay, and to be informed of that right.

(3) **Section 11**
(a) The right of a person charged to be informed of the specific offence without unreasonable delay.
(b) The right of an accused to receive a trial within a reasonable time.

(c) The right to remain silent (persons charged with an offence have the right not to be compelled to be a witness against themselves).
(d) The right to be presumed innocent.
(e) The right not to be denied reasonable bail without just cause.

These rights, as well as others not stated, are now enshrined in the *Constitution*.

Compelling the Accused to Appear in Court

In investigating the incident, the police officer determines whether the alleged criminal act took place. The officer subsequently has the authority to compel (or bring) the accused to appear in court. To arrest (a means of detaining someone) or compel an individual does not mean that individual has been formally charged. There are several ways an accused can be brought to court:

(1) **No Arrest: Appearance Notice (AN)**
Where a police officer decides not to arrest, this notice can be issued at the scene. It requires the accused to appear before the court at a later date.

(2) **Arrested and Released: Promise to Appear (PTA)**
A person arrested and charged with an offence may be released by the police. The officer in charge of the department or detachment must consider whether detention is necessary and, if not, this officer has the power to release the accused by way of summons, promise to appear, or a recognizance not exceeding $500, without deposit.

Report to Crown Counsel (RCC or RTCC)

If the police officer is of the opinion that a crime has occurred, the officer prepares a report containing all the facts and submits it to Crown counsel for a final decision on what charges, if any, should be laid.

Laying a Charge (Swearing an Information)

Once a charge is approved by Crown counsel, the RCC (or RTCC) is returned to the police. It is then taken to a justice of the peace who will require the police officer to swear the information. An information usually contains the name of the accused; the location, date and description of the offence; and the *Criminal Code* section applicable to the described offence.

Charges are laid once the information is sworn and it is this document which starts the court process. Court procedures are discussed in more depth in Part 6.

Police Processing of Youths (Young Offenders Act)

The *Young Offenders Act* contains its own procedural and substantive rules. Within the parameters of the *Act*, a young person is someone who is over the age of 12 but under the age of 18. The *Act* establishes a special youth court which has exclusive jurisdiction to deal with young people charged with committing an offence.

The *Criminal Code* procedures governing arrest and bail apply to young persons. The parents (or guardians) of the young person are to be notified as soon as possible in order to enable them to attend any hearing. Specific rules govern the admissibility of any statement that a young person makes to a police officer.

5.3 The Victim Support Worker's Role as Liaison

Once an initial report has been made and a statement taken, there may be a long period when nothing seems to happen. During this time, the victim may begin to feel frustrated with the criminal justice system. Victims often feel that things are not moving fast enough: the police have not picked up the suspect; they haven't contacted all the witnesses. It is the victim support worker's responsibility to explain the process and liaise with the police where appropriate.

If the police decide not to pursue the investigation or not to recommend charges, the victim support worker should make sure the victim understands that the reality of the victimization does not depend on its strength as a legal case. Sometimes the police are not able to find sufficient evidence to support charges. This is no reflection on the truth of the victim's statements or the validity of the victim's experiences.

5.4 Reducing Opportunities for Crime

Crime is opportunistic. It thrives on deficiencies within individuals and social structures. Some individuals, targets and areas are more vulnerable to crime than others. For instance, high rise apartments are more susceptible to break-ins than are single family dwellings. Small stores open late at night are subject to robbery. Crimes against the person occur most frequently in downtown areas of major cities. The elderly are common victims of fraud.

Many factors contribute to this vulnerability to crime, not the least of which are the eroding sense of neighbourhood communities and inadequate attention to both personal and property security. By focusing on these conditions and reducing the vulnerability of victims and the ease with which crime can be committed, the incidence of crime can be reduced.

The phrase 'crime prevention' has been loosely applied to any kind of effort aimed at controlling criminal behaviour. Several countries have formally defined crime prevention as: *the anticipation, recognition and appraisal of a crime risk and the initiation of some action to remove or reduce it.*

Crime prevention has also been described as the practice of crime risk management. Crime risk management involves the development of systematic approaches to crime risk reduction that are cost effective and that promote both the security and the socio-economic well-being of the potential victim.

Managing crime risk involves:

- removing some risks entirely,
- reducing some risks by decreasing the extent to which injury or loss can occur,
- transferring some risks through the purchase of insurance or involvement of other potential victims, and
- accepting some risks.

Strategies used by crime prevention programs include:

- *public awareness* - to make citizens aware of crime problems and the services available through the program,
- *crime risk management recommendations* - involving services to individual clients
- *teaching and counselling services*
- *group projects* - through which organizations and agencies develop useful crime prevention activities
- *environmental design* - through which efforts are made to modify existing and future physical prevention activities
- *surveillance and reporting* - through which citizens are encouraged to watch for criminal activity and report observations to police
- *law enforcement* - through which all police personnel are trained in and encouraged to support and promote crime prevention in all contacts with the public
- *public security* - to expand the efforts of private security organizations to provide reliable and cost effective security products and services

Crime prevention programs operated by police departments may include some or all of the following:

- Citizens Crime Watch Patrol/Vandal Watch
- Block Parents
- Neighbourhood Watch
- Business Watch
- Postal Watch
- Marine Watch
- Police in the Schools (PITS)
- Seniors on Safety
- Personal Safety for Women
- Operation Provident (Business)
- Operation Identification (Residence)
- Victim Assistance Programs

Part 6

The Criminal Justice System: Court Procedures

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Part 6

The Criminal Justice System: Court Procedures

6.1 Overview

While recognizing the importance of the criminal justice system in responding to the needs of victims, it is important to realize that, despite recent improvements, the adversarial system that serves as a fundamental principle in our courts is not always victim-oriented. Consequently, many of the procedures involved in the investigation and prosecution are confusing, frightening and, at times, traumatic for the victim/witness. The assistance, support and encouragement offered by victim support workers will be a significant factor in ensuring that the victim/witness is able to understand and cope with the experience.

A good way to become familiar with court proceedings is to observe cases in progress. Ask questions afterwards if you don't understand a procedure. You want to be able to explain the process to the person you are helping and transmit your confidence in and understanding of the system and what it is designed to accomplish.

The Ministry of Attorney General's video, *Being a Witness,* is another good way for victims to become familiar with court procedures. The video uses actors in a courtroom setting to demonstrate a variety of court procedures and situations. A supporting brochure reviews the basic steps in the court process and provides a list of additional sources of information and support. The brochure is available in English, French, Spanish, Chinese and Punjabi.

(Information in this chapter has been adapted from *Sexual Assault: Victim Support Worker Handbook.*)

6.2 Crown Counsel's Role

When a crime has been committed, society, or 'the state,' prosecutes the person accused of committing the crime. The Crown counsel is the lawyer who decides whether or not a charge is to be laid. If a charge is laid, Crown counsel will represent the state at the trial. It is the Crown's job to prosecute the accused.

Crown counsel is not the lawyer for the victim. However, the victim may be the key witness for the Crown at the trial.

Although it occurs rarely, the victim may choose to consult a lawyer for legal advice about the police investigation, the trial, or how to get financial compensation through civil proceedings. A lawyer consulted for these purposes will not be a party to any criminal proceedings. The victim will not need a lawyer in order to apply for criminal injury compensation.

For the victim, contact with Crown counsel may begin with a pre-hearing interview. The purpose of the pre-hearing interview is to enable Crown counsel to prepare the case and to help prepare the victim for being a witness at the trial. During the interview, Crown counsel may:

- review the victim's statement, discussing any points that are unclear;
- ask the victim to repeat the details of the occurrence in order to assess the victim's ability to convey the facts to the court and prepare the victim for having to describe these details in a courtroom;
- explain courtroom procedures and acquaint the victim with the types of questions and questioning styles of both Crown counsel and the defence counsel (the lawyer for the accused);

- answer questions the victim may have and generally attempt to prepare the victim as a witness in a criminal hearing; and
- ask the victim questions regarding his or her life before and after the incident to determine the full impact of the incident. This information is useful to Crown counsel during sentencing (see section 6.7 for information on victim impact statements).

6.3 Options for Proceeding with Charges

In Canada, there are two categories of criminal offence: serious crimes called 'indictable offences,' and less serious crimes called 'summary conviction offences.'

Sentences may be severe for indictable offences; the maximum is life in prison. The maximum punishment for a summary conviction offence is six months in jail and a $2,000 fine.

Indictable offences and summary conviction offences may be tried in different courts. A summary conviction trial usually takes place within a few months after the crime is committed. An indictable offence will involve a longer process as it is a more serious crime with harsher penalties.

With most indictable offences, the accused has the choice of being tried by a judge, or a judge and jury. A 'preliminary hearing' may be held to determine if there is enough evidence to commit the accused to trial.

'Plea negotiation' is a process of negotiation between the defence counsel and the Crown counsel. In return for a guilty plea, the Crown may stay (not proceed with) some of the charges against the accused, reduce the charge to a lesser offence, or ask the court for a lighter sentence. Plea negotiation is not used in every case but may be used where the administration of justice and the pubic interest require that it be considered. If it is used, plea negotiation may begin at the earliest stages of the process and go on until the trial.

6.4 Description of the Court Process

Pre-Trial Process

Once an information is sworn and a charge laid against an accused, the information is put on the court list. Refer to section 5.2 regarding laying a charge (swearing an information).

Bail: Release Pending Trial

The present equivalent of the historical term 'bail' is 'judicial interim release.' This term is now used in the *Criminal Code*. A person who has been arrested and charged with a criminal offence may be released on bail pending trial. Some forms of release do not require a bail hearing. These include: release by appearance notice, promise to appear, or summons or recognizance entered into on the basis of release by an arresting officer or an officer-in-charge.

An accused in custody must be brought before a justice, magistrate or provincial court judge within 24 hours after his or her apprehension, or as soon as possible. This appearance entails a judicial interim release (bail) hearing.

Crown counsel must consider the following factors with regard to bail for an accused:

- whether the accused, if released, will appear for the set court date; and
- the interest of the public and possible repetition of the offence.

Certain conditions can be attached to the release order of an accused. It is not uncommon for a condition of 'no contact' with the victim to be placed on the release order of an accused in a wife assault case, for example.

The following are various types of judicial interim release orders (or bail):

- **Undertaking to appear.** Basically, a promise to show up for the next court date.
- **Recognizance without a surety or cash deposit.** A bond or promise by the accused to pay a set sum of money if he or she fails to appear.
- **Recognizance with a surety or cash deposit.** A promise by someone other than the accused to pay a set sum of money if the accused fails to appear; or, payment of a cash deposit before the accused is released.

Show Cause Hearing

There are times when, based on information contained in the police report, Crown counsel concludes that an application should be made to the court to detain the accused in custody. In many

of these cases, Crown counsel must be able to establish why the accused should not be released.

Detention Orders

Where release of the accused is denied, a detention order is made, with the accused remaining in custody until the preliminary inquiry or trial. A detention order can be reviewed under certain circumstances, for example, if additional evidence becomes available.

Restraining Order

This is a civil order which 'restrains' the person named in the order from committing 'a threatened act.' An example would be a child custody matter which forbids one of the parents from visiting the children.

Recognizance (Peace Bond)

This is an order which the court may make if a victim fears for his or her safety. Victims who want Crown counsel's assistance in obtaining this order should first be directed to the police. The police may decide to investigate the matter and prepare a Report to Crown Counsel (RCC). As the complainant, the victim must 'swear an information' explaining why she or he is fearful. The recognizance can require the accused to keep the peace and be of good behaviour.

First Appearance

The accused is ordered to appear in court before a judge, the charge is read, and the accused is asked to plead guilty or not guilty. The victim does not have to be present at this hearing.

Two things can happen at the first appearance:

1. If the accused pleads 'not guilty' the case will go to a preliminary hearing and trial at a future date.
2. If the accused pleads 'guilty' there will be no trial. The judge will move to 'sentence.'

If the Case Goes to Trial

If the accused pleads 'not guilty' at first appearance, the judge will set a date for a trial. If the accused is charged with an offence punishable on summary conviction, there is no preliminary inquiry. A trial date will be set within a few months or weeks, depending on location. If the accused is charged with an indictable offence, there will be a longer delay. First, there may be a preliminary inquiry. The actual trial may not take place for several months.

The police or the Crown counsel's office often attempts to keep the victim informed of the progress of the case. If they have not been in touch for a while and the victim is concerned about the trial date, the victim may call the investigating officers handling the case or the Crown counsel's office.

As a victim assistance worker, you are also responsible for keeping the victim informed of court dates and the progress of the case. If there is a Crown Counsel Victim/Witness Service office within your court jurisdiction, contact that office to discuss the most appropriate methods of obtaining this information. If there is no Crown-based service, contact the Crown office.

Preliminary Hearing

In some cases, a preliminary hearing (or inquiry) will be held a few months after charges have been laid. The purpose of this hearing is for the judge to decide whether the Crown has enough evidence to bring the case to trial. It also gives the accused and the defence counsel a chance to hear many of the details of the case against the accused. If enough evidence is presented at the preliminary hearing, the judge will commit the accused to trial. If not enough evidence is presented, the charges will not proceed.

The victim may be required to appear in court as a witness at this hearing in order to explain to the judge what happened. The victim may be notified to be at court at a certain time on a certain day. Although this rarely occurs, if a subpoena has been issued the victim could be held to be in contempt of court for refusal to testify.

Sometimes, the preliminary inquiry may not go ahead as planned. This usually occurs either because the accused has entered a guilty plea, or because the Attorney General has determined to proceed by direct indictment (go directly to trial).

6.5 The Trial

Under Canadian criminal law, and our Constitution, a person is innocent until proved guilty. Therefore, although the victim will see the accused as a guilty person, the court will view the accused as an innocent person suspected of having committed a crime. The accused has a right to make a full defence to the charge, and Crown counsel must prove the case beyond a reasonable doubt. After hearing the evidence, the judge, or the jury, will decide if a crime did occur and if the accused is guilty of that crime.

The victim of the crime may be the Crown's key witness. In that event, the victim's testimony will be a very important part of the Crown's case against the accused. If there is a legitimate reason why the victim who is required as a witness cannot be in court on a particular date, Crown counsel should be notified immediately.

It is possible that the trial will be adjourned. There are many reasons for delays: an earlier case could be taking longer than expected, an important witness may be absent, or the defence may have requested an adjournment for a variety of reasons. In such cases, the trial will be put off until another day and possibly rescheduled to another courtroom.

Who will be in the courtroom?

People in the courtroom include the following:

- *judge* – a person with the authority to hear evidence and decide cases in court
- *jury* – sometimes present in court, whose job it is to listen to evidence at a trial, make findings of fact and then decide whether an accused is guilty or not guilty
- *court clerk* – who
  - ensures that everything is in place for the trial
  - reads the charge or indictment to the accused
  - calls and swears in the witnesses
  - marks the exhibits
  - takes informal notes of the proceedings
- *court reporter* (Supreme Court) or *court recorder* (Provincial Court) – who reports or records the trial proceedings and issues transcripts
- *sheriff* – who monitors the court and has responsibility for the jury and the security of the courtroom
- *Crown counsel* – who prosecutes the case
- *defence counsel* – who represents the accused

The Crown's Case

The Crown will present its case by first introducing all the admissible evidence which supports the charge. Evidence may include the testimony of the victim and other witnesses, as well as the testimony of those involved in the investigation, such as police. Expert witnesses such as doctors, psychiatrists and psychologists may also be called upon to present information. The defence counsel may cross-examine each witness called by the Crown. Other evidence, such as objects or documents, may also be presented to the court by Crown counsel.

The Defence's Case

After the Crown has finished presenting evidence, the defence counsel (if one is present) will present the case for the accused. The defence will generally call witnesses, and the Crown will have an opportunity to cross-examine each witness called. The judge may ask questions of any witness, or of either counsel, at any time. When representing the accused, the defence counsel attempts to demonstrate that the Crown has not proved its case beyond a reasonable doubt.

6.6 Being a Witness

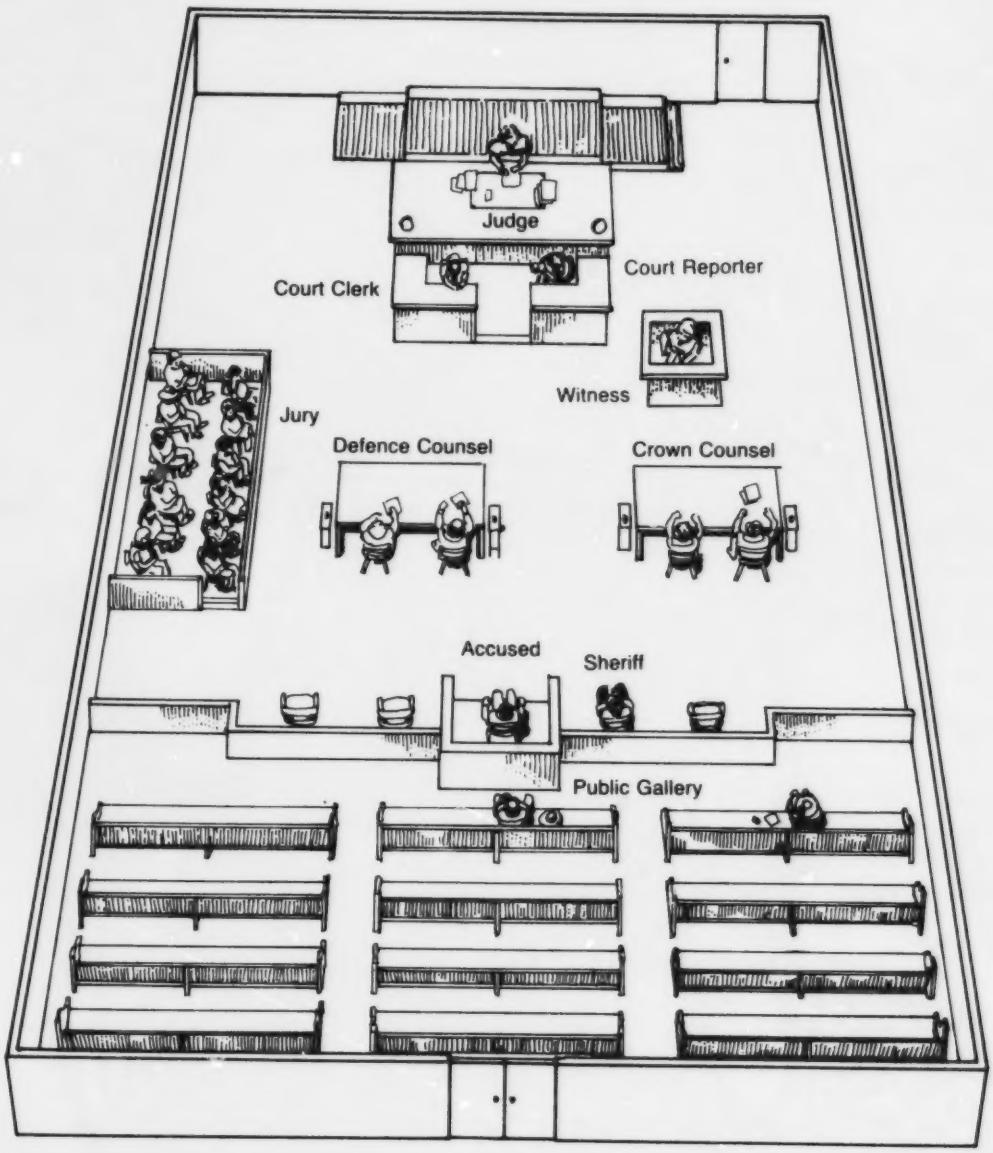
Appearing as a witness in a criminal trial can be a difficult experience for the victim. The more information the victim has about court procedures and what will be asked, the better prepared and more confident he or she will be. See section 6.1 for suggestions of ways in which victims can become familiar with the court process.

At the Courthouse

Unless otherwise advised by the Crown counsel office, the victim should go to the Crown counsel's office upon arrival at the courthouse. There, the victim will be advised where to wait and in which courtroom the case will be heard.

In most cases, witnesses must leave the courtroom at the beginning of the trial and wait to be called to testify. This is to ensure that their

Diagram of Courtroom



evidence will not be influenced by what is said by other witnesses. Witnesses will be shown where to wait and will be paged when it is their turn to testify. Be aware that the victim may need your company because the accused and the accused's family may be waiting in the same area prior to court or when a recess is taken during the trial.

In the Courtroom

When the victim is called to testify, he or she will be directed to the witness box and will be asked to swear or affirm to tell the truth, and to state his or her name, address and occupation.

> *IMPORTANT:* If victims do not want their address revealed in court, make sure Crown counsel is notified before the trial begins.

If victims want to refer to notes while giving testimony, they must first obtain the court's permission. Advise Crown counsel if you feel the victim may want to refer to notes made after the incident.

After the swearing in, Crown counsel will ask the victim questions, some of which may have been discussed before the trial. For example:

- Tell the court what happened. When? Where? What did you say? What did you do?
- What did the person look like?
- What happened then? What did you do?

In responding to questions victims should:

- always tell the truth,
- take their time and try to remain calm,
- not be afraid to say, "I don't know,"
- ask Crown counsel, defence counsel or the judge to repeat or reword any questions that are unclear, and
- speak slowly and clearly.

Once Crown counsel has finished questioning the victim, defence counsel may ask questions (called cross-examination). Cross-examination can be an unsettling experience even for experts. The defence counsel may attempt to point out every reason why the accused should be found not guilty and may focus questions on the victim's truthfulness and any changes in the victim's recollection of the events.

Cross-examination may take a long time and involve questions about things that the victim does not remember.

Following the cross-examination, Crown counsel may want to ask the victim a few more questions in order to clear up any confusion that arose during the cross-examination.

The judge will excuse the victim when his or her testimony is completed. If the hearing is a preliminary inquiry, the victim must then leave the courtroom. If it is a trial, the victim may take a seat in the courtroom after giving evidence.

NOTE: Because anyone who has information bearing on the case may be called as a witness, it is possible that victim support workers may be asked to testify. In that event you, as a victim support worker, would follow the same guidelines required of any witness.

6.7 Verdict and Sentencing

After all the evidence is presented, the judge or the jury will decide whether or not the accused is guilty. If the verdict is later appealed, the transcripts of the trial and arguments from Crown and defence counsel will go to the appellate court, which decides whether or not the trial court made any errors. Witnesses are seldom called to testify at an appeal. The appellate court can:

- agree or disagree with the trial court decision,
- change the sentence, or
- order a new trial.

If there is a new trial, the victim will likely have to testify again.

Not Guilty

If the accused is found not guilty, this does not mean that the judge (or jury) thought that the victim was lying, or that it was wrong to lay the charge. A not guilty verdict does not mean that the crime did not occur or that the whole process was useless or a 'failure.' It simply means that there was not enough evidence to convict. Criminal trials follow strict rules of evidence and the law requires a finding of guilt 'beyond a reasonable doubt.' The burden on Crown counsel to prove every aspect of the case beyond a reasonable doubt is often very difficult.

Guilty - The Sentence

If the accused is found guilty or has entered a guilty plea, the judge will decide on the type and length of the sentence. This may happen immediately, or it may take some time. To help with sentencing, a probation officer may be asked to prepare a 'pre-sentence report' which contains information on the accused's background. A pre-sentence report is not requested in every case and should not be depended upon as a way of telling the judge about the effect of the crime on the victim. The victim may also prepare a victim impact statement.

Victim Impact Statement

A procedure is currently in place which allows a victim to complete a written statement describing how the crime affected the victim in terms of emotional, physical, psychological and financial reactions.

Crown counsel maintains the discretion whether to submit the statement to the sentencing judge, who may consider the information when sentencing the accused. Crown counsel may also make oral submissions to the court based on the victim impact statement or call the victim to the stand to testify concerning the effects of the crime.

The statement should be clear and concise and speak directly to the issues. Victim support workers may be asked by an injured or illiterate victim to complete the statement on his or her behalf. A sample victim impact statement form is reproduced on page 58.

Although it very seldom happens, the victim may be asked to testify at a 'sentencing hearing' to answer the following types of questions:

- What happened during the crime?
- Were you hurt? How badly?
- Were you hurt so badly you had to miss work?
- What damage was done to your property and how much did it cost to fix?
- How long was it before you could return to your usual activities?

Sentencing Alternatives

Possible sentences include:

Absolute Discharge - the offender is discharged absolutely (without conditions).

Conditional Discharge - if the offender follows certain conditions of probation for a period of time there will be no conviction.

Fine - an amount of money paid to the court which, depending on the circumstance, can be a sanction alone or combined with other dispositions.

Victim Fine Surcharge - a fine which the court is required to impose on offenders in certain cases unless the offender establishes to the court that undue hardship would result if she or he is required to pay the surcharge. If the court exercises its discretion and does not impose the victim fine surcharge, the court must provide reasons. The victim fine surcharge is in addition to any other punishment.

Jail - If the crime was severe, or if the accused has committed other criminal offences, she or he may be sent to jail. The maximum possible sentence depends on the crime and is established in the *Criminal Code* for criminal offences. The court may order that sentences of under 90 days shall be served intermittently, usually on weekends.

Probation - Probation is not a separate sentence but must be attached to either a conditional discharge or a suspended sentence and may be attached to a fine or jail sentence. The offender must follow all the conditions set by the judge in the probation order for as long as required. Usually one of the conditions is that the offender report to a probation officer. Also, as part of a probation order (or as a separate order) the offender may be required to pay restitution or compensation to the victim.

The use of imprisonment as a main response is not necessarily practical when a majority of offenders are neither violent nor dangerous. Other forms of sentences recognize the involvement and grievance of the victim and may provide at least some symbolic element of redress. These alternatives may include:

Community Services Orders

As an alternative to jail, a sentence involving community service hours requires an offender to perform, without pay, certain prescribed work in the community. The work required must be of some benefit to the community. It is often included as a condition of a probation order.

VICTIM IMPACT STATEMENT

The Request for Victim Impact Information enclosed is part of our effort to ensure that information about the effect of this crime on you ** is available to the Crown prosecutor to use, if possible, at the time of sentencing of the accused. Information about the impact of the crime on you may be considered by the judge as one of many factors to be looked at in sentencing an accused.

While we realize it may be difficult for you to describe the impact of your experience, we feel it is important to give you this opportunity to do so and thereby to provide the Crown prosecutor with information which could be relevant to put before the judge at the time the accused is sentenced.

Should you decide to provide this information, we thank you. Should you decide you would rather not, we completely understand that as well. If you decide to provide information, it is very important that you return it to us immediately.

If you wish to discuss the information you have provided, you should call us at the Crown counsel office listed in the enclosed material. The victim support groups also listed may be available to help you if you need assistance in providing the information requested. We suggest you call one of them or the Crown prosecutor's office if you need help.

You do not have to use the form enclosed to provide the information. You may use extra pages or use your own form as you see fit.

It is important that you keep in mind as you describe the effect of this crime on you that:

1. The information should be carefully thought out and accurate because it may be put before a judge;
2. The Crown prosecutor must decide what information should be submitted to the judge at the time of sentencing the accused. While the information will be helpful in any event, the Crown prosecutor cannot guarantee that it will be put before the judge or if it is, what effect this will have on the sentence handed down by the judge.
3. It is the function of the Crown prosecutor to make comments at the sentencing. You may be asked to come to court to give testimony under oath about the effect of this crime on you. However, if you do not wish to testify, the Crown prosecutor will make every effort to take into account your feelings.
4. Generally it is better not to suggest a particular sentence. Under our law, it is entirely up to the judge to decide what the sentence should be. It is information about your situation as a victim that would be very helpful.
5. A criminal trial is one held between the accused and the Crown, or state, which is represented by the Crown prosecutor. The Crown prosecutor cannot act as the victim's personal lawyer.

We have requested information concerning the financial impact of this crime on you. This is information which may be generally helpful to us at the sentencing hearing. However, please do not assume that your providing this information to the Crown prosecutor will lead to compensation for you. The ability of the criminal courts to award compensation is very limited.

If you wish to find out about ways to seek compensation, you should seek the advice of your own lawyer. You may be eligible for compensation for injuries suffered by you as a result of this crime under the *Criminal Injury Compensation Act*. You can find out more about this possibility by contacting the office listed in the enclose material.

Thank you.

** If the victim of the crime is too young or otherwise unable to fill out the enclosed form, a parent, friend or victim support group can assist.

REQUEST FOR VICTIM IMPACT INFORMATION

REGINA v _____

OFFENCE _____

DATE OF OFFENCE _____

FILE # _____

AS THE VICTIM OF THE OFFENCE, PLEASE DESCRIBE:

1. Any physical injuries or physical disability that were suffered as a result of the offence, any treatment that was received or will be required in the future for the injuries.

2. Your emotional reaction to the offence that was committed. How the offence has affected you personally and your lifestyle.

3. Any loss or damage to your property as a result of the offence.

continued

4. Any other financial loss you experienced as a result of the offence, for example, medical, counselling or therapy expenses, loss of income, etc.

5. Any other effect of the offence on you on which you wish to comment.

6. Anything which the accused has done since the offence which has changed your feelings about the incident.

Signature of Victim: _____

Date statement was made: _____

If you are completing and signing this statement on behalf of the victim, please indicate the reason why and your relationship to the victim.

I hereby consent to release of this document to Corrections Services of Canada

Signature of Victim: _____
(or person on behalf of)

Date: _____

A Victim/Offender Reconciliation Program
This is a process whereby offenders and victims are brought together by a trained mediator to achieve a resolution to the criminal event which is satisfactory to both parties. It strives to:

- effect reconciliation and understanding between victims and offenders,
- reach an agreement about restitution, and
- assist offenders in giving the payment of their 'debt to society' to their victims.

A Victim/Offender Reconciliation Program is most often used with minor offences.

Restitution
This may take a number of different forms including an apology or monetary payment to the victim. Restitution is usually part of a probation order but may be ordered as a separate sanction.

Youth Court Dispositions

'Sentences' in youth court are called 'dispositions.' The court may request a 'pre-disposition report' to examine and report on the background of the young offender. (This is similar to the pre-sentence report in adult court.) The report is to assist the court in choosing from a range of options including compensation to the victim (monetary or otherwise), a community service order, fine, probation, custody, or a combination of these.

6.8 Role of the Victim Support Worker

Support During Court Procedures

The court process often takes place many months after the criminal incident and victims sometimes feel that they do not want to go through with the trial. Intense feelings associated with the crime subside and the victim begins to 'get on with life.' Victims may fear that memories will come back and begin to disrupt their lives. They may fear that they will 'fall apart' and that it will take many months to recover. Victims may also fear dealing with such a personal experience in a public forum. Because of these feelings and reactions, it is imperative that victims be provided with support throughout this process.

The court process itself can be an alienating procedure. The victim may have gone through a life threatening experience, but the court process may seem cold and impersonal. Victim support workers can provide a human element and assist the victim through another stage in their recovery.

In orienting victims for court, assisting victims with forms, and generally providing victims with criminal justice system and case specific information, victim assistance workers must be impartial and diligent, and must go about their duties without any notion of winning or losing cases. They must strive for fairness and impartiality at every stage of the criminal justice process.

Orientation to Court Procedures

In many communities in B.C., Crown Counsel Victim/Witness Services offices are available to prepare witnesses of very serious crimes for court. Victim support workers in other types of programs should be aware of these services and be familiar with referral procedures.

If a Crown Counsel Victim/Witness Services office is not available, it will be up to victim support workers in other types of programs to work with Crown counsel to orient the victim to court. You may need to do the following:

- Explain the meaning of legal words and terms the victim/witness may not understand.
- Take the victim to the courthouse before going to trial to see the layout of the room (for your information, a basic diagram of a criminal courtroom at the Supreme Court level is reproduced on page 55).
- If possible, go with the victim to observe a trial. This will give a clear idea of the process involved.
- Confer with Crown counsel about what information to give the victim. There could be legal issues at stake, so make sure that your plan of support is approved by Crown counsel.
- Stay with the victim at all times during the trial. You may be interested in what is happening in the courtroom and want to be there, but your role is to support the victim wherever he or she has to be.

A victim who has been made aware of the process, knows what to expect, and is supported before and during the trial, will feel stronger and less afraid, and will make a better witness.

After the victim has completed testifying (if this is not a preliminary hearing) he or she may want to stay and hear the rest of the trial. Support this decision, even if staying seems to be upsetting for the victim. The more the victim can express feelings about the incident the better.

Prepare the victim for the possibility that the trial may be adjourned to a later date. Very often, trials do not go ahead as planned because a previous trial takes longer than expected or an important witness is unavailable. If this occurs, the victim is likely to feel disappointed and frustrated and may need extra support. Again, be available to listen and give information which will help the victim understand the process.

In Court

Your role in court will most likely be limited to providing support by staying with the victim in the courtroom if the victim decides to listen to the remainder of the trial. However, you may be called as a witness. If you are called, the procedures will be the same as those outlined for other witnesses in section 6.6.

After Trial

Being a witness is exhausting for the victim. When the trial is over, ask whether the victim wants to go back to your office to talk about the trial, or to go home. Whatever the decision, be aware that the process is not over for the victim. Going through the story again could have brought up feelings of anger, fear and grief. Sometimes at this point, especially if the accused has been sentenced, victims will allow themselves to express fully the emotions they have not yet faced. Be sure to follow the victim's lead. The decision about sentence may also activate feelings: anger if the sentence seems light, or guilt if the victim knows the accused.

If the accused is found not guilty, the victim should be assured that the acquittal does not mean the crime did not occur or that the court did not believe the victim. Explain that it means there was not enough evidence to prove the guilt of the accused beyond a reasonable doubt (a very high standard of proof). Encourage the victim to express any feelings about the outcome of the trial.

Ending the Support Relationship

Dealing with the crisis and preparing for the court case is such an intense and emotionally charged time that when the victim leaves the courthouse he or she may feel lost and bewildered.

Even though the trial is over, the support relationship does not necessarily end. The victim may have difficulty dealing with the outcome of the trial, especially if the accused was found not guilty. The victim may need to talk about the experience of the trial whether the accused was acquitted or sentenced.

After you have provided whatever immediate post-trial support is required, you should encourage the victim to pursue activities and services that will give ongoing support as the victim integrates the experience in a constructive and healthy manner. The victim must learn once again to trust others and, most important, to trust and have confidence in him- or herself. The adjustment may be slow and may take many months.

You can assist the victim to terminate the relationship with you by recommending resources and groups in the community that can be of ongoing benefit, such as women's centres, support groups, peer counselling networks, personal and family counsellors, mental health centres or native friendship centres.

Part 7

The Criminal Justice System: Corrections

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Part 7

The Criminal Justice System: Corrections

7.1 Overview

A principal objective of the corrections component of the criminal justice system is to protect individuals and society by reducing the levels and effects of crime. One of the ways it meets this objective is by controlling and correcting convicted offenders. It is the victim who suffers as a result of a crime, and victims' personal interests are affected by sentencing and related decisions.

In the sentencing and correctional process, there are five main areas which may benefit victims (Daubney, 1988, p.14):

1. Information about the offender and the offence which could contribute to a better understanding and possible acceptance of the crime for the victim.
2. Support from the community such as that shown by compensation and victim assistance programs.
3. Recognition of harm, through the imposition of an appropriate penalty.
4. Reparation for the harm, which can include financial compensation or other actions by the offender to make redress.
5. Effective protection from re-victimization or retaliation to alleviate the victim's feeling of vulnerability.

7.2 Corrections: Whose responsibility is it?

Responsibility for correctional services (i.e., probation, parole, incarceration) is split between the federal and provincial governments.

Federal Responsibilities

The federal Ministry of the Solicitor General is responsible for the Correctional Service of Canada and the National Parole Board, both of which deal with adult offenders serving sentences of two years or more.

Provincial Responsibilities

The B.C. Ministry of Solicitor General (Corrections Branch) is responsible for the operation of facilities and programs for young offenders, regardless of length of sentence. The Corrections Branch:

- provides facilities for adult offenders serving sentences of less than two years,
- provides facilities for individuals remanded in custody pending trial and sentence, and
- is responsible for probation services.

Both adult and young offenders who are placed on supervised probation are supervised by probation officers. Probation officers also supervise accused people released on bail pending trial and may also prepare reports on the accused before sentencing. In any one of these roles, the probation officer may be required to contact a victim before making a recommendation or decision about an offender or accused person.

Parole

The National Parole Board is responsible for granting parole to inmates confined in all federal institutions and in all provincial and territorial institutions except in British Columbia, Ontario and Quebec.

British Columbia, Ontario and Quebec maintain provincial parole boards and have

jurisdiction over all offenders in provincial institutions except those serving life or indeterminate sentences who were transferred by mutual agreement to provincial institutions to serve their incarceration. Here, the National Parole Board has jurisdiction.

There are no provisions available for young offenders to be paroled, although a process is available for them to apply to the sentencing court for early release.

7.3 Victim Reparation and Representation

Victim Reparation Programs

The B.C. Corrections Branch operates a number of programs designed to help offenders make amends to their victims. Some of these programs are funded through the Victim Assistance Program.

- *Victim reparation or compensation programs* help offenders pay cash restitution to victims, or perform work for victims instead of paying cash. Offenders only work for victims when the victim consents.
- *Community service programs* allow offenders to make amends to the entire community by working for a non-profit organization, the elderly or disabled.
- *Victim/offender reconciliation programs* help victims and offenders meet face to face. Victims learn something about the person who hurt them and have a chance to tell the offender how the crime affected them. Reparation may also be arranged through these meetings.

Community service programs are available throughout the province but other programs operate only in selected communities. Local probation offices can advise about availability of services.

Victim Input

Victims can provide input at the sentencing stage through the use of a victim impact statement (see section 6.7).

Victim input is also sought by probation officers who, at the request of the sentencing judge, are responsible for providing a pre-sentence report on an offender (in the case of a young offender, this is called a pre-disposition report). Generally, the pre-sentence report follows the offender's file through the correctional system and therefore allows decision makers an opportunity to see the victim's response.

The National Parole Board has formulated a policy relating to the use of victim impact statements. Victims or their representatives may submit such statements to the appropriate regional director of the National Parole Board. In addition:

- Where representations were made some time prior to the review for parole, the Board may request that a community assessment be undertaken to update the information supplied by the victim.
- Any representations will be included within the offender's file and will constitute information to be considered by members of the parole board responsible for the offender's case.

The National Parole Board is required, by law, to inform inmates of any information taken into consideration in a parole decision. Exceptions to this include situations which could jeopardize the safety of a confidential source.

7.4 Victim Access to Information

The National Parole Board, on request, will endeavour to provide information concerning the offender to victims or their authorized representative. At the federal level, any release of information is subject to provisions contained within the *Privacy Act*. The following information may be released to victims or their representatives:

- date of admission
- eligibility review dates
- the decision by the Board regarding release and general reasons for that decision
- number of votes cast by Board members
- type of release and the terms and conditions attached to the release
- general description of destination of release
- general reasons as to why an offender's release has been subject to a revocation

All federal correctional authorities are bound by sections of the *Access to Information Act* and the *Privacy Act*, which restrict and regulate the release of information by the federal government. The Correctional Service of Canada maintains a policy that allows the following information to be released when a victim initiates the request:

- Matters of public record such as name, age, court of conviction, date and length of sentence, nature of current offence.
- Limited information as it relates to the security of the victim — for example, information about the location of the institution from which the inmate is to be released.
- Some information about release such as eligibility dates, terms and conditions of release, actual date and type of release, and destination of the offender upon release.

There is no provincial legislation respecting access to information in these circumstances; however, both the B.C. Corrections Branch and the B.C. Board of Parole generally follow, by way of policy, the regulations established by the federal agencies.

Victim support workers should be familiar with the information contained in the handbook, *Victims: Questions and Answers On Parole* (1989), produced by the National Parole Board. Copies are available through Victim Assistance Program offices or by contacting the National Parole Board's Pacific Regional Office at 604/854-2468.

Questions regarding provincial parole should be directed to the B.C. Board of Parole at 604/660-8846.

Conclusion

Over the past several decades, there has been a dramatic evolution in the ideas and attitudes of our society about how to achieve the primary mandate of our criminal justice system – the protection of the public – while maintaining a climate of openness, accountability and fairness. The criminal justice system has come under close scrutiny by the public, and certainly no less so by many victims, particularly victims of violent crimes.

Society bears responsibility for demonstrating that the criminal justice system is as effective as it can be, with a balanced approach for the victim, society, the offender and those who work in the system. It is also incumbent on each and every one of us to work towards a sound strategy of justice. As stated in material distributed by the Genesee Justice Victim Assistance Program (Genessee County, New York):

> ***"Our challenge is to build better tomorrows in our changing justice system by making the best effort today."***

Appendixes

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Appendix 1
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Appendix 2
Glossary

Absolute Discharge. The lightest sentence that can be given to a person found guilty of a criminal offence. The person is free to go and no conviction is registered.

Accused. A person who is charged with a crime.

Acquittal. A judgement by the court that the accused is not guilty of the charge.

Adduce Evidence. To present proof.

Adjournment. The hearing is temporarily postponed until another time or another day.

Affirmation. A legally binding promise to tell the truth. (A person who does not want to swear to tell the truth on a Bible or another religious document makes a solemn affirmation to tell the truth.) (See also 'Oath'.)

Alibi. Evidence from the accused and other witnesses that the accused was somewhere else when the crime was committed and therefore could not have done it.

Allege. To suggest; to make an allegation.

Appeal. A form of review of a trial decision by a higher court.

Appearance Notice. A notice that tells the accused to go to court at a specific time to answer charges that have been laid.

Assault. The intentional or threatened use of force against another person.

Bail. Money or property deposited with the court as a guarantee that the accused will come back for a hearing or trial.

Beyond a Reasonable Doubt. The level of proof needed to find a person guilty of having committed a crime.

Canadian Charter of Rights. Part of Canada's *Constitution* which guarantees certain rights and freedoms.

Charge. A formal accusation that a person has committed a specific crime.

Common Law. The law embodied in judicial decisions; originally it was the law based on the customs 'common' to all England.

Compensation. Money given to make up for loss (property damage or physical or emotional injury).

Complainant. The person who states that a crime has been committed.

Composite Drawing. A picture that an artist draws of a suspect based on the victim's or witness's description.

Conditional Discharge. A person found guilty of an offence can be ordered to obey certain conditions for a specific period of time.

Confession. A statement made by the accused admitting guilt. A confession may be allowed as evidence in court.

Contempt of Court. Interfering with the administration of justice or ignoring the rules of the court.

Conviction. A judgement by the court that the accused person is guilty of the charge.

Corroborating Evidence. Evidence that confirms or strengthens evidence already given in court.

Counsel. A lawyer, legal advisor.

Court of First Instance. The trial court where the evidence is presented

Criminal Code. A federal statute that defines what crimes are, what the maximum punishments are for those crimes, and what the legal procedures are for dealing with those crimes.

Cross-examination. Both the Crown and defense counsel have the right to question (cross-examine) a witness on the other side.

Crown. The state's representative at the trial (see also 'Crown Counsel').

Crown Counsel. The lawyer representing the Crown. At the trial Crown counsel presents evidence of the crime and tries to prove that the accused committed the crime. Also referred to as the Crown Prosecutor, or simply, the Crown.

Defence Counsel. The lawyer representing the defendant/the accused person.

Direct Examination. The evidence of a witness given in court. During direct examination, a witness is asked questions by the lawyer who called the witness (see also 'Cross-examination'). Also called examination-in-chief.

Forensic. Medical procedures and scientific testing done for use in court.

Guilty. The decision by the judge or the jury that the accused committed the crime. An accused can admit that he or she committed the crime by pleading guilty.

Hearing. A proceeding. The presentation of evidence in court, for example, a preliminary inquiry, a trial, a sentencing hearing.

Hearsay. In legal terms, hearsay is information given to a witness by another person, but which the witness did not see or otherwise experience first hand. The witness does not have personal knowledge of the original event.

Indictable Offence. The *Criminal Code* divides offences into two categories: indictable offences and summary conviction offences. An indictable offence is the more serious criminal offence (see also 'Summary Conviction Offence').

Indictment. This is a formal procedure used to deal with more serious charges. It allows for, or forces, a judgement in a high court. Because of the more serious penalties for an indictable offence, the accused is granted wider protection, such as a trial by judge and jury.

Information. The written charge, based on the knowledge of an informant (usually a peace officer), which accuses a person of an offence.

Instruct the Jury. After all the evidence has been presented, the judge explains to the jury the laws that apply to the case.

Intermittent Sentence. A prison term of 90 days or less given to a person convicted of an offence. An intermittent sentence allows the person to serve the prison term in intervals (for example, on weekends) over a longer period of time. This type of sentence is not available in B.C. for young offenders.

Judge. A person with the authority to hear evidence and decide cases in court.

Judicial Interim Release. The legal procedure by which an accused who is in custody is released until trial, unless Crown counsel can 'show cause' why the accused should be detained (see also 'Bail').

Jurisdiction. The range of powers and/or territory over which a body may act. In the case of a court, jurisdiction concerns the type of case and the physical area over which the court has legal authority. Jurisdiction must be proved in every case.

Jury. A group of people chosen by Crown counsel and defense counsel from a pool of eligible jurors who are ordinary citizens. The jury listens to the evidence presented at a trial, listens to the judge's instructions on how to apply the law, makes findings of fact, and then decides whether the accused is guilty or not guilty.

Justice of the Peace. An officer of the court who has some of the powers of a judge.

Lay Charges. To formally accuse a person of having committed a crime. To swear an Information.

Legal Aid. Legal services provided to people who cannot afford a lawyer. Every province and territory has a legal aid plan; each has different rules for eligibility.

'Mixed' Offences. Criminal offences that may be proceeded with either as a summary or an indictable matter. The decision as to which way to proceed is made by Crown counsel and is often based on the seriousness of the offence. (Also called 'Hybrid' or 'Crown option' offences.)

Mug Shots. Photographs of people on police files.

No-contact Order. A court order preventing the accused from seeing or speaking to someone.

No-publication Order. A court order preventing anyone from presenting certain information (often the identity of the victim of a crime) to the public.

Oath. A legally binding promise to tell the truth made by swearing on the Bible or other religious document, for example, the Koran. A person who does not want to swear on a religious document makes an 'affirmation' (see also 'Affirmation').

Offence. A crime.

Parole. The release of a person from prison before the end of the sentence. The person continues serving the sentence outside prison but under supervision. The released

prisoner must obey specific conditions of parole or he or she will be sent back to prison. Parole does not apply to young offenders.

Perjury. To tell a lie in court after having sworn to tell the truth. A person who has committed perjury can be punished with up to 14 years in prison.

Plea. The answer given by an accused when charged with a criminal offence - 'guilty' or 'not guilty.'

Plea Bargaining. Negotiations between the defence counsel and Crown counsel concerning the charges against the accused and the plea.

Preliminary Inquiry. A hearing to determine whether or not there is enough evidence against an accused to justify holding a trial.

Pre-sentence Report. A description of the offender's background and personal situation, prepared by a probation officer, which the judge has asked for and uses to help in deciding an appropriate sentence.

Probation. A sentence given to a person convicted of an offence which requires the person to obey certain conditions but does not require him or her to pay a fine or to spend time in jail.

Prosecute. To conduct legal proceedings against a person charged with a criminal offence.

Psychiatric Assessment. A description of the accused's state of mind, prepared by a mental health professional, which the judge uses to help decide if the accused can stand trial, or for other reasons.

Quasi-criminal Offences. Provincial offences, not covered under the *Criminal Code of Canada*. Examples are offences under the provincial *Liquor Act* and *Motor Vehicle Act*. (Quasi is Latin for 'as if.')

Recognizance. A recognizance is the accused person's promise to pay a specific amount of money if he or she fails to comply with certain conditions laid down by the court. This debt would be in addition to any further charges for failing to appear.

Remand Adjournment. To put off a hearing or trial until another time.

Reserve Judgement. A judge hearing a case may decide to take some time to do research, study the law or review the evidence presented at the trial before making decision.

Secondary Victim. Those who represent the informal and unofficial support system for the victim. They often develop the same reactions the victim has felt - shock, anger, disbelief, guilt, fear, helplessness.

Secondary Victimization. Often called the 'second injury.' Relates to events that follow the initial crime or tragedy and results from inadequate responses to the victimization.

Sentence. The punishment given to a person convicted of a crime.

Sentencing Hearing. A hearing held after the accused has been found guilty of a crime. The judge can hear evidence to help decide on an appropriate punishment.

Show Cause Hearing. A hearing where Crown counsel must convince the court that the accused should be in jail until the trial (see also 'Judicial Interim Release' and 'Bail').

Statement. A description of events given to the police. Usually a statement is in written form and is signed by the person giving the statement. (Also called 'confession' if the accused admits guilt.)

Statute Law. The laws enacted by legislation, as opposed to common law.

Subpoena. An order of the court telling a person when and where he or she must appear as a witness.

Summary Conviction Offence. A less serious criminal offence with a possible maximum punishment of six months in jail and/or a $2000 fine. (See also 'Indictable Offence.')

Surety. A person who enters into a bond for a certain amount of money, before a court, on behalf of another person. The court makes this person responsible for making sure that an accused person appears in court and abides by the other conditions of behaviour imposed by the court. If the accused person doesn't comply, the surety forfeits all or part of the bond.

Suspended Sentence. A punishment given to a person convicted of an offence which does not require the person to spend time in jail.

Testimony. Statements made in court by a witness under oath.

Transcript. A written copy of court proceedings.

Trial. A hearing where both sides present evidence and the court makes a decision.

Undertaking to Appear. A document signed by an accused person in which there is a promise to appear in court at a specified time and place. The undertaking may also contain other promises, such as requiring the accused to remain in the area, to report to the police at specific intervals, or not to communicate with certain people. Breaking any of these promises may result in a further criminal charge.

Verdict. The decision of a judge or a jury as to the guilt of the accused.

Victim. A person against whom a crime has been committed.

Voir Dire. A special hearing at which a judge decides whether evidence can be presented at trial. The victim may be called to testify.

Warrant for Arrest. An order of a justice of the peace or judge giving the police permission to arrest someone.

Witness. A person who testifies in court because he or she has some information about the case.

Young Offenders Act. A federal law which sets out how young people will be treated if they are suspected of having committed a criminal offence. The *Young Offenders Act* applies to anyone over 12 years old and under 18.

(Sources: Combined from glossaries produced by the Legal Services Society of B.C. and the Department of Justice, Canada.)

Appendix 3
Compensation Programs

Compensation funds for victims of crime

Commission de la sante et de la securite du travail
Direction l'indemnisation des victimes d'actes criminels
1199, rue de Bleury
Succursale A
Montreal, Quebec
H3C 4E1 (514) 873-6019 or 873-4697

Crimes Compensation Board
10365 - 97 Street
Edmonton, Alberta
T5J 3W7 (403) 427-7217

Crimes Compensation Board
c/o Department of Justice
P.O. Box 8700
St. John's, Newfoundland
A1B 4J6 (709) 576-6183

Criminal Injuries Compensation Board
Box 985
1660 Hollis Street
Halifax, Nova Scotia
B3J 2V9 (902) 424-4651

Criminal Injuries Compensation Board
Provincial Office Building
122 - 3rd Avenue North
Saskatoon, Saskatchewan
S7K 2H6 (306) 933-5153

Criminal Injuries Compensation Board
17th Floor, 439 University Avenue
Toronto, Ontario
M5G 1Y8 (416) 965-4755

Criminal Injuries Compensation Board
Suite 101 - 763 Portage Avenue
Winnipeg, Manitoba
R3G 3N2 (204) 774-3565

Criminal Injury Section
Workers' Compensation Board
6951 Westminster Highway
Richmond, British Columbia
V7C 1C6 (604) 276-3129

Department of Justice
Government of Northwest Territories
c/o Public Trustee Office
P.O. Box 1320
Yellowknife, Northwest Territories
X1A 2L9 (403) 873-7464

Department of Justice and Attorney General
P.O. Box 2000
Charlottetown, Prince Edward Island
C1A 7N8 (902) 368-4563

Department of the Solicitor General
Correctional Services Division
Victim Services Program
P.O. Box 6000 Centennial Building
Fredericton, New Brunswick
E3B 5H1 (506) 453-2888

Territorial Compensation for Victims of Crime Authority
Yukon Workers' Compensation Board
Suite 300 - 4114 4th Avenue
Whitehorse, Yukon
Y1A 4N7 (403) 667-5319

Appendix 4
Resources

The following is a selection of resources available in British Columbia. Most emergency telephone numbers, including police and crisis centres, are listed in the front pages of your telephone directory.

A valuable resource to assist you with appropriate contacts in your community is the Victim Information Line: 1-800-VICTIMS.

1. Victim Assistance Programs in B.C.

For the address and telephone number of the Victim Assistance Program nearest you, telephone the Victim Information Line 1-800-VICTIMS.

2. Estate Administration *Area Code 604*

Deputy Official Administrator 525-3431
Lower Mainland Region
330-522 7th Street
New Westminster, B.C. V3M 5T5

The Deputy Official Administrator may assume responsibility for the affairs of a deceased person if the decedent: 1) has no known next of kin; 2) has next of kin who will inherit but whose whereabouts are unknown; 3) died testate but neither the executor named nor the beneficiary will or can act; 4) died intestate and no one entitled to a share of the estate can or will act; 5) and, in some cases, if the descendent's executor and/or beneficiary is a resident outside the province.

Memorial Society of British Columbia 688-6256
410-207 W. Hastings Street
Vancouver, B.C. V6B 1J3

Non-profit society providing low cost funeral arrangements.

Public Trustee 660-4444
Ministry of Attorney General
265-800 Hornby Street
Vancouver, B.C. V6Z 2E5

Provides financial and legal protection for the estates of minors and mentally incapable persons and administers the estates of deceased persons where no other person is competent to act. This protection includes the auditing of private trustees and investigating situations where minors and mentally disordered persons are reported as being taken advantage of financially.

3. Specialized Information Source

B.C. Coroner's Service 660-7700
Ministry of Solicitor General
4595 Canada Way
Burnaby, B.C. V5G 4L9

Investigates all sudden and unexpected deaths and holds inquiries or inquests into each.

The Canadian Foundation for the Study of Infant Deaths (416) 488-3260
Box 190, Station R
Toronto, Ontario M4G 3Z9

4. Grief Counselling and Support Groups

Bereaved Parents Support Group 531-8815
Delta Mental Health
11245 - 84th Avenue
Delta, B.C. V4C 2L9

Drop-in support group for parents who have experienced the death of a child. Parents share problems, feelings and ideas for coping. Volunteer parents available for individual discussion. Provides education for professionals and community groups. Parents are encouraged to call prior to joining the group. Meetings are held on the first Wednesday of each month at 7:30 pm in the 2nd floor family room at Delta Mental Health, 11245 - 84th Avenue, Delta.

Burquitlam Grief Recovery Society 421-0472
9887 Cameron Street
Burnaby, B.C. V3J 1M3

Offers a six-week grief recovery program and a support group for those who have been through the program. Program is offered in the afternoon or evening.

Compassionate Friends 734-2540
307 - 1930 West 3rd Avenue
Vancouver, B.C. V6J 1L1

International support group for bereaved parents. Members are themselves parents who have lost a child. Group meets every third Tuesday of the month at 7:30 pm at Canadian Memorial Community Centre (corner of Burrard and 16th Avenue) to offer mutual understanding and support, and to share experiences in coping with the grief which follows the death of a child.

Compassionate Friends of Coquitlam 937-3096
184 College Park Way
Port Moody, B.C. V3H 1S4

International support group for bereaved parents. Members are themselves parents who have lost a child. Group meets every third Thursday of the month at 7:30 pm in the annex to Como Lake United Church, 535 Marmont, Coquitlam. Offers support and mutual understanding, and shares experiences in coping with the grief which follows the death of a child. Publishes a monthly newsletter for members and offers a group of telephone friends.

COPES (Community of People Extending Support) 731-3466
1096 West Broadway
Vancouver, B.C. V6H 1E6

Volunteer community of people extending support on a one-to-one basis to people who are grieving.

Grieving Parents Group 986-5012
3655 Princess Avenue 875-2345
North Vancouver, B.C. V7N 2E4

Support group for parents who have experienced a stillborn, neonatal death or accidental death of a child. Meetings are held every fourth Wednesday of each month at Vancouver General Hospital Nurses' Residence from 7:30 pm to 9:30 pm.

Langley Hospice Society 530-1115
McBurney Lane 20510 Fraser Highway
Langley, B.C. V3A 4G2

Provides volunteer visitors to the terminally ill, bereaved, and in some cases, chronically ill. Gives volunteer training and supervision. Holds seminars and workshops for both volunteers and the general public. Operates within the city and municipality of Langley.

Life Resource Centre 873-5013
101 - 395 West Broadway
Vancouver, B.C. V5Y 1A7

Offers counselling for people who have experienced a traumatic loss such as the death of a spouse, child, friend, parent, breakup of a relationship, or loss of a job. Offers grief counselling individually and in groups. Evening appointments available. Also provides information and referral services.

Maple Ridge Hospice Society 463-3405
P.O. Box 11
Maple Ridge, B.C. V2X 7E9

Trained volunteers offer support to people with a life threatening illness and to their families and to those who are bereaved. Also offers a bi-monthly Grief Recovery Program (463-6164).

Richmond Hospice Association 271-1632
100 - 4040 #3 Road
Richmond, B.C. V6X 2C2

Trained volunteers provide emotional support to persons with life-threatening illnesses and to their families.

SAFER (Suicide Attempt Counselling Service) 879-9251
Greater Vancouver Mental Health Service
300 - 2425 Quebec Street Vancouver, B.C. V5T 4L6

SAFER Bereavement Program provides individual counselling and a variety of workshops for family and friends of someone who has died by suicide. Referrals are made by calling SAFER.

SIDS (Sudden Infant Death Syndrome)
4179 Dollar Road
North Vancouver, B.C. V7G 1A8

Joanne Nelson: 929-4797
Lori Sheckter: 875-2149
Dr. Segal: 987-4529
or page: 875-5000

Immediate response and subsequent support and counselling service to parents whose apparently healthy baby dies for no medical reason (sometimes referred to as crib death). Also educates the public about crib death.

Vancouver Hospice Program
Vancouver Health Department
1060 West 8th Avenue
Vancouver, B.C. V6H 1C4

734-1661, Local 329
734-4373

Provides an integrated city-wide program of direct care, consultation and coordination of support services to persons with terminal illness and their families. Also provides information, education, consultation and support resources to care providers, agencies and the general public upon request. Services are available wherever the person may be located in the City. Direct hospice care at home is provided by health department staff, hospice volunteers and the family physician. They have the support of a specialist consultation team which includes a physician, nurse, social worker, volunteer coordinator and program assistant who provide consultation regarding individual patient care in the community, hospitals or long-term care institutions. The team also provides staff and volunteer education, information, referrals, materials, bereavement coordination, and a personal consultation appointment with a hospice team member. A bereavement drop-in is held weekly.

White Rock Hospice Society
15555 Russell Avenue
White Rock, B.C. V4B 2R6

531-7484

Volunteers offer support to people with a life threatening illness and to grieving people. Office hours: Monday to Friday, 9:00 am to 4:00 pm.

5. Services for People with Disabilities

B.C. Association for Community Living
300 - 30 East 6th Avenue
Vancouver, B.C. V5T 4P4

875-1119

Provincial association which advocates for and with mentally handicapped people. Can provide information on local associations around the province that provide services and support for mentally handicapped people and their families.

B.C. Coalition of People With Disabilities
204 - 456 West Broadway
Vancouver, B.C. V5Y 1R3

875-0188

Province-wide organization representing all disabilities. Provides advocacy, information, and referrals.

C.N.I.B. (Canadian National Institute for the Blind) 321-2311
350 East 36th Avenue
Vancouver, B.C. V5W 1C6

Provincial organization which provides a range of services for the visually impaired.

Deaf Children's Society of B.C. Voice: 435-9447
3644 Slocan Street TDD/TTY: 435-9443
Vancouver, B.C. V5M 3E8

Provides counselling for deaf children and their families.

Western Institute for the Deaf and Hard of Hearing Voice: 736-7391
2125 West 7th Avenue TDD: 736-2527
Vancouver, B.C. V6K 1X9 Fax: 736-4381

Provincial organization which provides a range of services including personal counselling and sign language interpretation.

6. *Immigrant Services*

Immigrant Services Society of B.C. 684-2561
543 Seymour Street
Vancouver, B.C. V6B 3H6

Information and service centre for immigrants, refugees, and non-English speaking residents. Sponsors family, individual and job counselling and provides escort, interpretation and referral services.

MOSAIC 254-9626
2nd Floor - 1720 Grant Street
Vancouver, B.C. V5L 2Y7

Provides interpretation, counselling, and information services in seventeen languages. Volunteers are also available to interpret on a 24-hour basis through the 911 Emergency Service.

OASIS 324-8186
8165 Main Street
Vancouver, B.C. V5X 3L2

Multi-service agency providing translation, escort-interpretation, and counselling to immigrants of South Asian origin.

SUCCESS (United Chinese Community Enrichment Services Centre) 324-1900
5836 Fraser Street Fax: 253-5547
Vancouver, B.C. V5W 2Z5

Multi-service agency providing counselling and community outreach to members of the Chinese community.

Appendix 5
Victim Assistance Program Publications

Brochures/Booklets:

The Victim Assistance Program ... When Crime Touches You

This brochure informs victims of crime of their rights and describes the types of assistance available to help them. It includes a description of the services offered by the Victim Assistance Program. October 1989.

Dealing with Breaking and Entering: A Pamphlet for Victims

This brochure describes the feelings victims of a breaking and entering most often experience and outlines steps they can take to look after themselves and make their homes more secure. October 1989.

Dealing with Sudden Death: A Pamphlet for Survivors

This pamphlet outlines the feelings and experiences people dealing with sudden death may have. It suggests some things survivors can do to help themselves through this difficult time, and provides information on where to get help and additional information. October 1989.

Victim Information Line - 1-800-VICTIMS

This short brochure highlights the Victim Information Line and describes the services offered by the program.

Wife Assault: Information on Your Rights

This pamphlet describes the rights of assaulted wives, explains police and court procedures for handling wife assaults, and provides information on when and how to apply for a peace bond or restraining order. The brochure also lists other services available to help victims of wife assault. April 1985.

Wife Assault: A Guide for Medical Personnel

This brochure is designed for primary care physicians and emergency department personnel. It provides guidelines for identification and treatment of battered women, and outlines procedures for documenting evidence. It also lists resources and services available to assist battered women and their children. March 1989.

Brochures are available from:

Communications and Public Affairs Department
Ministry of Attorney General
910 Government Street
Victoria, B.C. V8V 1X4
604/387-5818

Handbooks:

Wife Assault: Victim Support Worker Handbook

This handbook gives a short overview of wife assault in B.C. It discusses emotional aspects and government policy, and gives step-by-step instructions to help support workers provide crisis intervention, assist with ongoing safety and security, and guide clients through the court process. January 1987. Revised March 1988. Reprinted January 1991.

Child Sexual Abuse: Victim Support Worker Handbook

The handbook addresses myths, emotional impacts, ministry policy and government responses to child sexual abuse in B.C. It outlines the victim support worker's role and responsibilities, details the communication skills victim support workers need to assist child victims, and provides information for assisting clients in the court process. 1989.

Sexual Assault: Victim Support Worker Handbook

The handbook discusses the emotional aspects and the laws concerning sexual assault in B.C. It provides step-by-step instructions for handling crisis intervention and medical, police and court procedures. It also outlines skills and issues for victim support workers. March 1989.

Volunteer Management: Victim Support Worker Handbook

The handbook is a source of practical information to help co-ordinators set up and manage the ongoing business of volunteer recruitment, orientation, supervision and recognition. April 1991.

Victims of Crime: Victim Support Worker Handbook

The focus of this handbook is on assistance to victims of property and personal crimes. As police are usually contacted first and most frequently by crime victims, the handbook will be of particular interest to victim service providers affiliated with a law enforcement agency. September 1991.

Handbooks are free of charge to Victim Assistance Programs. For copies, contact:

Interdisciplinary Studies
Justice Institute of B.C.
4180 West 4th Avenue
Vancouver, B.C. V6R 4J5
604/222-7285

From within B.C., others requesting handbooks should contact:

Policy and Program Services Division
Ministry of Attorney General
910 Government Street
Victoria, B.C. V8V 1X4
604/387-9545

The charge for out-of-province orders is $5.50 per handbook, plus $1.00 shipping. Contact:

Marketing Department
Open Learning Agency
7671 Alderbridge Way
Richmond, B.C. V6X 1Z9

Newsletter:

Victim Services News is published three times a year with funding from the Victim Assistance Program. The newsletter contains video and book reviews, informative 'tips' for program managers, program information, and articles on new initiatives, policies and programs in the victim assistance field.

For copies contact:

Interdisciplinary Studies
Justice Institute of B.C.
4180 West 4th Avenue
Vancouver, BC V6R 4J5
604/222-7285

Appendix 6

Guide to Victim Assistance Programs in British Columbia

Co-ordination:
- **Policy & Program Services Division**
  Ministry of Attorney General

Program Management:
- **Community Programs Division**
  Ministry of Attorney General
- **Criminal Justice Branch**
  Ministry of Attorney General
- **Police Services Branch**
  Ministry of Solicitor General
- **Corrections Branch**
  Ministry of Solicitor General

PROGRAMS

Victim Information Line (1-800-VICTIMS)

Mandate:

Provide information and referrals to victims across the province.

Contact:

Program Analyst
Community Programs Division
Min. of Attorney General
210-815 Hornby St.
Vancouver, B.C. V6Z 2E6
Tel: 660-3748
Fax: 660-3728

Police-Based Programs

Mandate:

Provide assistance to victims of all types of crime. Where a specialized support services program is in place, to refer victims of wife assault, sexual assault and/or child sexual abuse to that service.

Contact:

Program Manager
Police Services Branch
Min. of Solicitor General
910 Government St.
Victoria, B.C. V8V 1X4
Tel: 387-6848
Fax: 356-7747

Specialized Support Services

Mandate:

Provide assistance to victims of wife assault, child sexual abuse, and adult sexual abuse.

Contact:

Program Analyst
Community Programs Division
Min. of Attorney Gen.
210-815 Hornby St.
Vancouver, B.C. V6Z 2E6
Tel: 660-3748
Fax: 660-3728

Crown Counsel Victim/ Witness Services

Mandate:

Provide assistance to victims suffering serious physical or emotional trauma, to family members in fatality cases, to other victims as directed by Crown counsel, and to victims if no specialized support services available.

Contact:

Criminal Justice Branch
Min. of Attorney General
910 Government St.
Victoria, B.C. V8V 1X4
Tel: 387-3840
Fax: 387-0090

Victim Reparation Programs

Mandate:

Arrange opportunities for victims to receive restitution and/or compensation from offenders.

Contact:

Program Analyst
Corrections Branch
Min. of Solicitor General
400 - 910 Government St.
Victoria, B.C. V8V 1X4
Tel: 387-5059
Fax: 387-5698

SUPPORT SERVICES

Co-ordination, Training and Publications

Mandate:

Co-ordinate victim assistance programs and policies and provide training opportunities and resource material for service providers.

Contact:

Senior Project Officer
Policy & Program Services Division
Min. of Attorney General
910 Government St.
Victoria, B.C. V8V 1X4
Tel: 387-9545
Fax: 356-9037

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